



**TESTIMONY OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE JOINT HEARING OF THE
SENATE FINANCE & ASSEMBLY WAYS & MEANS COMMITTEES
REGARDING THE FISCAL YEAR 2024-25 EXECUTIVE BUDGET
ENVIRONMENTAL & ENERGY PROPOSALS
February 7, 2024
Albany, N.Y.**

The New York Public Interest Research Group (NYPIRG) is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern. We appreciate the opportunity to submit testimony on the Governor's Executive Budget environmental and energy proposals.

The state budget is the most important bill the Governor and Legislature act on every year to finance, enable, reform, and prioritize a wide array of policies, programs and government institutions to better serve, protect and lift up all New Yorkers. The state budget provides the critical foundation for a just, fair, equal and compassionate society, but since the enactment of the 2019 Climate Leadership & Community Protection Act (CLCPA or the Climate Act), it has the twin goal of effectively addressing the most important problem of all time—the climate crisis. It is incumbent on the Legislature and Governor to implement the Climate Action Council's (CAC) timely recommendations legislatively this session, and wherever possible, in the Executive Budget as Article XII bills.

Summary

Governor Hochul's FY 2025 Executive Budget proposals include important environmentally beneficial initiatives to begin to address the growing climate crisis, and expand and improve environmental protection and remediation programs, including the following:

- The Governor's budget proposes to eliminate the 100 foot rule and obligation of utilities to serve new natural gas customers, prohibit the expansion of natural gas infrastructure beginning in 2026.
- **Climate Resiliency Plan:** A proposed climate resiliency plan to protect New Yorkers from extreme weather costing \$435 million.¹ It includes: 1) Resilient & Ready Program to establish a flexible fund to support resiliency efforts for low- and moderate-income homeowners ahead of future storms; 2) Blue Buffers Voluntary Buyout Program to encourage buyouts in communities most vulnerable to flooding; 3) Making major investments in statewide disaster response; 4) Update Coastal Erosion Hazard Area (CEHA) Maps so that communities and permit applicants can determine if a property is within a CEHA. Unfortunately, the Governor has placed the burden of \$435 million on the taxpayers of New York State, when the Climate Change Superfund Act would require Big Oil companies to cover these costs.
- **Energy Affordability:** A proposed \$50 million to provide an energy affordability guarantee to low-income residential ratepayers who electrify their homes through the EmPower Plus Program. The energy affordability guarantee would cap the electric bills of participants at six percent of their income for the term

¹ Office of the Governor, News Release, 1/9/2024, <https://www.governor.ny.gov/news/governor-hochul-announces-comprehensive-resiliency-plan-protect-new-yorkers-extreme-weather>.

of the useful life of the electrification project.

➤ **State Superfund Program:** A proposed \$100 million for the state's Superfund Program to clean up toxic waste dumps.

To the dismay of hundreds of organizations and businesses, two critically important environmental and energy budget and policy proposals were not included in the proposed FY 2025 Executive Budget: the *Climate Change Superfund Act* and the *Bigger, Better Bottle Bill*. New York needs to take bold action on the climate crisis and pollution prevention. The state needs to get on the right track to both generate much-needed revenue to fully implement the Climate Act and ensure New Yorkers have stronger environmental and public health programs to prevent pollution and clean up contaminated water. The final budget should include the following policies and programs and needed amendments to ensure environmentally sound programs are established.

➤ The **Climate Change Superfund Act** is a top budget priority for over 400 organizations and 100 elected officials, and it is a part of New York Renews *Climate, Jobs & Justice* package and the BPHA *Peoples' Budget* (S.2129-A/A.3351-A). The bill would make climate polluters pay \$3 billion a year for each of the next 25 years through apportioned fees on past greenhouse gas (GHG) emissions. We urge the Assembly and Senate to include this revenue positive bill in their one-house budgets.

➤ The **NY Home Energy Affordable Transition (HEAT) Act** (S.2016-B/A.4592-B) should provide the basis for amendments to the Governor's more limited elimination of the "100 foot rule." The bill allows the PSC to require that the State's utilities comply with the CLCPA and provide affordable and clean home energy sources, rather than just gas. It will help customers switch to zero-GHG emissions heating and cooling and ensure affordability by capping energy bills for all customers at 6% of income.

➤ Include the **Stop Climate Polluter Handout Act** in the budget to end the most egregious state subsidies of \$330 million to the fossil fuel industry (S.3389/A.7949). The oil and gas industry continues to rake in record breaking profits while New York State continues to struggle to find money for its annual fiscal budget. Beginning to eliminate fossil fuel subsidies will generate much needed revenue while signaling climate accountability for the oil and gas industry.

➤ Include an expansion of the State's highly successful bottle bill deposit program with the **Bigger, Better Bottle Bill** (S.237-B and A.6353), the state's first Extended Producer Responsibility (EPR) Law, is long overdue and will help achieve the CAC Scoping Plan's recommendation that recycling should be "ubiquitous" by 2050. New York currently has a 64% recycling rate, but by increasing the deposit from 5 to 10-cents, New York could easily see those rates increase at least 20%. A study by ReLoop also reports that expansion of the bottle bill will generate anywhere from \$40-\$200 million in additional revenue for the state, as well as also save local governments at least \$70 million in savings.

➤ Reject the Governor's proposed slashing of funding for the **Clean Water Infrastructure Act (CWIA)** by 50%, reducing it to \$250 million, and include the needed \$600 million for the CWIA in the Assembly and Senate one-house budgets. The Governor's proposed drastic cut jeopardizes New York's ability to provide safe water, a fundamental right for all its residents.

We urge the State Legislature to support the inclusion of the following initiatives to the FY 2025 Executive Budget to ensure that New York State adequately funds and approves timely climate crisis prevention and protection legislation, improved public health protections for all New Yorkers, and enhanced protection and remediation for the state's environment.

The Climate Catastrophe Requires Immediate Action

The planet and the public's health have never been so imperiled. 2023 shattered climate records, accompanied by extreme weather "which has left a trail of devastation and despair," according to the World Meteorological Organization (WMO).²

"Greenhouse gas levels are record high. Global temperatures are record high. Sea level rise is record high. Antarctic sea ice is record low. It's a deafening cacophony of broken records. These are more than just statistics ... Extreme weather is destroying lives and livelihoods on a daily basis – underlining the imperative need to ensure that everyone is protected by early warning services," said WMO Secretary-General Professor Petteri Taalas³

"This year we have seen communities around the world pounded by fires, floods and searing temperatures. Record global heat should send shivers down the spines of world leaders," said United Nations Secretary-General António Guterres as he again urged leaders to commit to urgent action at the UN Climate Change negotiations, COP28.⁴

In response to the severe threat the world is facing, in 2019 New York State adopted one of the most ambitious laws in the nation to address the climate crisis, the Climate Act. The law established goals for reducing the state's greenhouse gas emissions (GHG) and prioritized just transition worker protections and social justice principles, with at least 35% of the benefits directed to disadvantaged communities. At its heart, the law requires the state to meet science-based GHG reduction and renewable energy goals: by 2030 40% reduction in statewide GHG emissions and 70% of electricity produced through renewable energy; by 2040 100% zero-emission electric generation; and by 2050 85% reduction in statewide GHG.

The United Nations states that the world must reduce GHG emissions by 43% by 2030 or civilization will be devastated.⁵ *2030 is only 6 years away.* The UN declaration is in line with New York's goals and thus the state's climate goals set the floor – not the ceiling – for action. Missing those goals ignores climate science and puts New York on a trajectory that leads to unnecessary deaths, human suffering, and staggering costs from flooding, storms, and heatwaves.

New York's Enormous Costs From Climate Catastrophes are Growing

The federal agency National Oceanic and Atmospheric Administration released its annual 2023 report this month on billion dollar weather and climate disasters summarizing New York State's astronomical costs. From 1980 to 2023, New York State experienced 85 billion dollar weather/climate disaster events, including 41 severe storm events, 14 tropical cyclone events, and 20 winter storm events, 4 drought events, 5 flooding events and 1 freeze event.⁶ **Together, these events cost the state between \$50 to \$100 billion, with up to \$20 billion or 16% of the total costs in the last three years alone (2021-2023), and a five year average cost of \$2.9 billion.**⁷ For instance, SuperStorm Sandy" caused 53 deaths and \$19 billion in

² WMO | State of the Global Climate 2023, 11/30/2023, <https://wmo.int/news/media-centre/2023-shatters-climate-records-major-impacts>

³ Ibid.

⁴ Ibid

⁵ United Nations Climate Change, "Climate Plans Remain Insufficient: More Ambitious Action Needed Now," 10/26/2022, <https://unfccc.int/news/climate-plans-remain-insufficient-more-ambitious-action-needed-now#:~:text=The%20UN's%20Intergovernmental%20Panel%20on,be%20cut%2043%25%20by%202030.>

⁶ National Centers for Environmental Information, Oceanic & Atmospheric Administration, January 2024, [https://www.ncei.noaa.gov/access/billions/state-summary/NY.](https://www.ncei.noaa.gov/access/billions/state-summary/NY)

⁷ Ibid.

damages.⁸ Hurricane Irene devastated the state and resulted in ten deaths and over \$1.3 billion in damages.⁹ Tropical Storm Lee brought drenching rains that resulted in over \$1 billion in damages.¹⁰ Hurricane Ida shattered those records, causing 18 deaths from tragically drowning New Yorkers in their own cars and homes.¹¹

The think tank *Rebuild By Design* has conservatively estimated that New York faces \$55 billion in climate-related expenses during *this* decade alone.¹² The U.S. Army Corps of Engineers has estimated that it will cost \$52 billion to protect New York Harbor *alone*.¹³ A study from NYS Comptroller DiNapoli found that over a ten-year period (the last five and next five years), 55% of New York localities' municipal spending outside of NYC was or will be related to climate change.¹⁴ Every few weeks, there is another news story about the rising expense of the climate crisis. Just last week, Brookhaven reported that it is paying \$500,000 to have sandbags placed along the eastern Fire Island beaches damaged by storms as a stopgap measure.¹⁵

The Climate Crisis Is Harming New Yorkers and Getting Worse

The *New York State Climate Impacts Assessment* technical Chapter 2 was recently released providing the following key findings.

“Key Finding 1: Average and maximum temperatures have increased in New York State since the early 20th century and are projected to continue to rise throughout the 21st century. **The state has warmed more rapidly than the national average, and winter is warming more rapidly than other seasons. Heat waves are expected to occur more often and become more intense, posing greater risks for human health, built infrastructure, ecosystems, and other sectors.** New York City is projected to remain the warmest part of the state; northern regions will continue to be relatively cooler while still experiencing large increases in temperature and extreme heat.

Key Finding 2: New York State has experienced increases in total precipitation and heavy precipitation events, and these trends will continue through the end of this century. **Heavy rainstorms that lead to flooding are projected to become more frequent across the state. Precipitation is expected to increase the most in winter.** Lake-effect snowfall is projected to increase over the next few decades, but as temperatures continue to rise, more winter precipitation near the Great Lakes will fall as rain ...

⁸2014 *New York Hazard Mitigation Plan*, NYS Division of Homeland Security & Emergency Services 1/4/2014 www.dhses.ny.gov/oem/mitigation/documents/2014-shmp/Section-3-12-Hurricane.pdf.

⁹ Hurricane Irene One Year Later, *Associated Press*, 8/27/12. www.nydailynews.com/new-york/hurricane-irene-year-storm-cost-15-8-damage-florida-new-york-caribbean-article-1.1145302.

¹⁰ *Tier Flood Damage \$1 Billion*, *Press-Sun Bulletin*, 2/1/12, www.pressconnects.com/article/20120201/NEWS01/202010330/Tier-flood-damage-estimate-1-billion.

¹¹ <https://www.cnn.com/2021/09/03/weather/ida-eastern-us-flooding-friday/index.html>

¹² Rebuild By Design, “Resilient Infrastructure For New York State,” <https://rebuildbydesign.org/wp-content/uploads/2021/12/1329.pdf>.

¹³ U.S. Army Corps of Engineers, NY & NJ Harbor & Tributaries Focus Area Feasibility Study (HATS) <https://www.nan.usace.army.mil/Missions/Civil-Works/Projects-in-New-York/New-York-New-Jersey-Harbor-Tributaries-Focus-Area-Feasibility-Study/>.

¹⁴ NYS Comptroller, 4/20/2023, <https://www.osc.ny.gov/press/releases/2023/04/dinapoli-localities-spending-more-address-climate-change-hazards>

¹⁵ Newsday, 2/2/2023, <https://www.newsday.com/long-island/towns/brookhaven-to-place-sandbags-along-eastern-fire-island-beaches-damaged-by-storms-vr282mrn>

Key Finding 3: Climate change is creating conditions that will increase the frequency and severity of many types of extreme events. **Several types of storms are expected to become more intense, with heavier rainfall, stronger winds, and higher storm surge along the coast driven by sea level rise. Short-term summer droughts could increase due to changing precipitation patterns and increased temperatures ...**

Key Finding 4: Sea surface temperature, sea level, and coastal flooding are increasing along New York State's coast. **Sea surface temperatures are rising more rapidly in the state than the global average. Sea level along New York's coastline has risen almost 1 foot in the past century and is projected to increase by another 1 to 2 feet by mid-century, making chronic flooding more common in low-lying coastal neighborhoods ...**

Key Finding 5: New York State's lakes and rivers have experienced increased water temperature, fluctuating water levels, and decreased ice cover, and these changes are expected to intensify in a warmer, wetter future. **Lakes are projected to experience more severe summer heat waves and decreased winter ice cover as temperatures rise in the coming decades. The Great Lakes could experience greater year-to-year variability in water levels, driven by periods of drought and extreme precipitation.** Flood intensity and damages are expected to increase with extreme rainfall and broader changes in streamflow."¹⁶

In New York City, an estimated 350 people each year – about 2% of all deaths in NYC between May and September – die prematurely from heat-related causes as annual heat-related deaths have climbed over the past decade according to a report by the Department of Health and Mental Hygiene.¹⁷ The report states that:

“Black New Yorkers are more likely to die from heat stress, with death rates two times higher than White New Yorkers. This inequity is due to past and current structural racism that creates economic, health care, housing, energy, and other systems that benefit White people and disadvantage people of color. Lack of access to home air conditioning (AC) is an important risk factor for heat-stress death. Among those who died from heat stress, the place of death was most often an un-air-conditioned home.”¹⁸

Sea levels in New York City have risen by a foot since 1900 and are projected to rise by up to 5.4 additional feet by the end of the century; the city's floodplain contains nearly 20 percent of the city's area, and by the 2080s, large portions of some coastal neighborhoods could flood with greater frequency.¹⁹ Even if New York meets its science-based climate targets, the costs to the state's infrastructure will grow. Inaction will only make those costs dramatically higher.

Heeding the Call of the United Nations and the Climate Action Council

With Washington mired in gridlock and the hobbling of the U.S. Environmental Protection Agency (EPA) by the U.S. Supreme Court, it is clearer than ever that the states must lead on climate. New York has the tools, know-how, and policy proposals to lead the nation with the implementation of its landmark Climate

¹⁶ NYS Climate Impacts Assessment Report Technical Chapter 2, 1/24/2024, <https://nysclimateimpacts.org/wp-content/uploads/2024/01/Assessment-ch2-NYS-changing-climate-01-09-24.pdf>.

¹⁷ The Gothamist, 7/6/2023, <https://gothamist.com/news/heat-related-deaths-in-new-york-city-soar-in-the-last-decade-report-says>.

¹⁸ 2023 NYC Heat-Related Mortality Report Summary <https://a816-dohbesp.nyc.gov/IndicatorPublic/key-topics/climatehealth/heat-report/>.

¹⁹ 4/20/23 City of New York News Release, <https://www.nyc.gov/office-of-the-mayor/news/274-23/mayor-adams-releases-planyc-getting-sustainability-done-new-york-city-s-strategic-climate-plan#/0>.

Act. NYPIRG supports the general thrust of the CAC’s Scoping Plan and its critically important recommendations. While there are areas in which it needs to be strengthened, it is of the utmost importance that the Governor and Legislature pass the following climate bills this session. Literally, climate can’t wait.

Making the Polluter Pay for Resiliency and Infrastructure Damage With a Climate Change Superfund (S.2129-A/A.3351-A)

The state faces staggering costs to adapt to a world in which the planet continues to heat up, and extreme weather events continue to increase, forcing investments in a much more resilient infrastructure, and repairing massive damages to communities, especially those along the shores of the Great Lakes, Hudson River, Long Island and the New York City harbor.

Since the Governor has not proposed a funding stream to pay for the soaring costs of climate-related damages and to meet the infrastructure challenges associated with adapting to a hotter world, by default those costs have been borne by state taxpayers while Big Oil companies have made a whopping \$750 billion in profits since 2021²⁰. Recently, NYPIRG released an analysis showing that NYS taxpayers were heavily burdened by \$2.1 billion in climate costs from December 2022 to December 2023, or \$272 per household.²¹

The Climate Change Superfund Act will ensure that the oil, coal, and gas industries are held financially responsible for the rising costs of the climate catastrophe that all of us already are—and will continue—enduring. Those industries’ decisions led to global warming; justice requires that they—not New York’s other taxpayers—be financially responsible for the tragically enormous climate crisis impacts that they created. The fossil fuel industry is now benefiting from windfall profits as consumers pay higher heating and transportation costs. It’s time for some of those profits to be directed to community protection, mitigation and remedial programs to address damages caused by the climate crisis.

**PROFITS OF SAUDI OIL GIANT ARAMCO
COMBINED WITH THE LARGEST PUBLICLY OWNED,
WESTERN COMPANIES IN *BILLIONS*²²**

Company	2021	2022	First Half of 2023
Saudi Aramco	\$110	\$161	\$62
ExxonMobil	\$23.1	\$55.9	\$19.3
Shell	\$19.2	\$39.9	\$14.7
Chevron	\$15.7	\$35.5	\$12.7
TotalEnergies	\$18.1	\$36.3	\$11.9
BP	\$12.8	\$27.7	\$7.6
ConocoPhillips	\$7.7	\$18.6	\$5.1
Marathon Petroleum	\$9.7	\$14.5	\$4.9

The United Nations Secretary-General António Guterres said it best:

“It is immoral for oil and gas companies to be making record profits from the current energy crisis on the backs of the poorest, at a massive cost to the climate. This grotesque greed is punishing the poorest and most vulnerable people while destroying our only home. The combined profits of the

²⁰ 8/24/2023, https://www.nypirg.org/pubs/202308/Climate_Costs_Release_Final.pdf.

²¹ Pgs. 4 and 5, https://www.nypirg.org/pubs/202312/Climate_Superfund_Media_Packet_12-28-23.pdf.

²² Information collected by NYPIRG from companies’ media releases and other public sources.

largest energy companies in the first quarter of this year are close to \$100 billion. I urge governments to tax these excessive profits, and use the funds to support the most vulnerable people through these difficult times.”²³

It is clear from historical records that for the better half of the late 20th Century, oil companies knew burning fossil fuels was warming the planet. Nevertheless, starting in the 1980s, the industry championed an aggressive climate change denial campaign opposing any policy proposals and undermining climate science. Their success in bamboozling many Americans has pushed the planet to the brink. The New York Times reported that starting in the 1970s, scientists working for Exxon made “remarkably accurate projections of just how much burning fossil fuels would warm the planet.”²⁴ Yet for years, “the oil giant publicly cast doubt on climate science, and cautioned against any drastic move away from burning fossil fuels, the main driver of climate change.”

Recently, documents showed the industry-backed Air Pollution Foundation uncovered the severe harm climate change would wreak by the 1950s. Their reports “contain smoking gun proof that by at least 1954, the fossil fuel industry was on notice about the potential for its products to disrupt Earth’s climate on a scale significant to human civilization,” said Geoffrey Supran, an expert in historic climate disinformation at the University of Miami.²⁵ Supran continued that “These findings are a startling confirmation that big oil has had its finger on the pulse of academic climate science for 70 years – for twice my lifetime – and a reminder that it continues to do so to this day. They make a mockery of the oil industry’s denial of basic climate science decades later.”²⁶

The Act would make Big Oil companies pay their fair share of the skyrocketing bill for climate change and resiliency, currently borne 100% by local governments and state taxpayers. The Climate Change Superfund fees would generate \$3 billion annually from the largest oil and gas polluters. This bill sets up a fair and just source of revenue to address the climate crisis. It is based on the “polluter pays” legal principle. Through the Federal Superfund program, the federal government has for 43 years collected payments from manufacturers who create hazardous waste to fund the cleanup of thousands of toxic waste dumps. It’s a pretty simple concept: *The polluter pays. As we all learned in kindergarten, if you make a mess, you clean it up.*

New York has a strong history of holding the polluting industry accountable for the contamination they created with the successful Federal and State Superfund toxic waste site cleanup programs based on the “polluter pays” principle, with funding coming from fees placed on the oil and chemical industry. Climate crisis contributors should be responsible for the costs related to the growing catastrophe from GHG emissions. The fund could finance upgrades to roads, bridges, subways, transit systems, storm water drainage, and sewage treatment; preparing the power grid and improving emergency response programs to deal with stronger hurricanes and other severe storms; and protecting residents from more frequent and deadly heat waves with new programs, such as ensuring that air conditioning exists in all schools.

The bill ensures that Big Oil companies are held financially responsible for the rising costs of the climate

²³ *Calling record profits from oil and gas amid global energy crisis “immoral*, United Nations News Release, 8/3/2022, https://news.un.org/pages/wp-content/uploads/2022/08/GCRG_Brief3_Press_Release.pdf.

²⁴ *Exxon Scientists Predicted Global Warming, Even as Company Cast Doubts, Study Finds*, New York Times, 1/12/2023. https://www.nytimes.com/2023/01/12/climate/exxon-mobil-global-warming-climate-change.html?campaign_id=54&emc=edit_clim_20230113&instance_id=82625&nl=climate-forward®i_id=56949721&segment_id=122450&te=1&user_id=54e05bcd4678be2a4bf3ed4d35bbbf5e

²⁵ The Guardian, 1/30/2024, <https://www.theguardian.com/us-news/2024/jan/30/fossil-fuel-industry-air-pollution-fund-research-caltech-climate-change-denial>

²⁶ Ibid

catastrophe, specifically for funding climate damage repair and resilience projects. Big Oil companies that released over one billion tons of GHG emissions from 2000 to 2018 would pay apportioned fees annually. An estimated 30 to 40 of the largest multinational oil, gas, and coal companies in the world would be required to together pay \$75 billion total over 25 years to New York State for damages arising from their past pollution which caused the climate crisis.

The Climate Change Superfund Act would fund three programs:

- *Repair* climate-related damage such as bridges and roads washed out in a hurricane or extreme storm.
- Upgrade infrastructure so it is *resilient* to withstand extreme storms and flooding, such as sewer and water treatment facilities and subways
- Protect communities and help people *adapt* to climate-related extreme heat and storms, such as air conditioning in schools, nursing homes and day care centers - or health care for severe asthma or heat strokes - or cooling centers for construction and farmworkers.

The Department of Environmental Conservation would create the program and release regulations after public participation. Some of the funds can be used to hire expert staff at the agency, similar to the State Superfund. Also just like the Climate Act, at least 35% of the funds are for projects in disadvantaged communities.

Governor Hochul announced a comprehensive resiliency plan to “protect New Yorkers from extreme weather” and included \$435 million in the Executive Budget proposal to help implement the initiatives.²⁷ The Governor, once again, has placed the burden of \$435 million entirely on the taxpayers of New York State. The Superfund would cover the Governor’s proposed: 1) ‘Resilient & Ready’ Program to establish a flexible fund to support resiliency efforts for low- and moderate-income homeowners ahead of future storms; 2) Blue Buffers Voluntary Buyout Program to encourage buyouts in communities most vulnerable to flooding; 3) Making major investments in statewide disaster response; 4) Update Coastal Erosion Hazard Area (CEHA) Maps so that communities and permit applicants can determine if a property is within a CEHA. In sum, the Climate Superfund will greatly reduce the costly burden on New York taxpayers who are already suffering from rising energy costs and inflation.

The Climate Change Superfund Act is a priority bill in the BPHA *Peoples’ Budget* and in the NYRenews *Climate Jobs & Justice* package. It passed the Senate last session, and is supported by over 100 local elected officials in Elected Officials to Protect America and over 400 national, statewide, and regional environmental, youth, health, faith, labor and community organizations, such as 350Brooklyn, ALIGN, Citizen Action, Climate Reality Project, DC 37, Environmental Advocates NY, Food & Water Watch, Fridays for the Future, NYPIRG, NRDC, NYS Council of Churches, NYS Nurses Association, Sierra Club Atlantic Chapter, Third Act Upstate New York, UUP and UAW Region 9A.

The Assembly and Senate need to put fiscal fairness and environmental justice front and center by including the Climate Change Superfund Act in their one-house budgets and seek its inclusion in the final FY 2025 Executive Budget. A national poll by Data for Progress finds an overwhelming majority of American voters support a Climate Superfund which makes oil and gas companies pay a share of climate costs caused by pollution.²⁸

²⁷ News Release, 1/9/2024, <https://www.governor.ny.gov/news/governor-hochul-announces-comprehensive-resiliency-plan-protect-new-yorkers-extreme-weather>

²⁸ Data for Progress, 12/12/2023, <https://www.dataforprogress.org/blog/2023/12/12/voters-support-making-oil-and-gas-companies-pay-a-share-of-climate-costs-caused-by-pollution>

The Climate Change Superfund Act will not result in Big Oil companies trying to pass along the cost to consumers by raising prices at the gas pump for five reasons.

1. Product price is determined by two factors: the cost of production and demand. The “textbook” economics explanation is that businesses seek to maximize their profits and set their prices accordingly. The rule of thumb is a company will set a product’s price at the point where its income covers the cost of production plus some profit without resulting in a decline in consumer demand for the product.

2. The impact of competitive market forces. The fee imposed on companies will vary from zero to tens of millions of dollars, based on their past greenhouse gas (GHG) emissions. If a company assessed with a large fee (Big Oil A) raised its prices to recoup the cost of the fee and its competitors (who are not paying the fee) do not, Big Oil A will see demand for its product go down because consumers will switch to a lower-priced competitor. To maximize its profits and avoid losing market share, Big Oil A would not pursue a price increase or would quickly abandon it.

3. The price of oil is set by a global market. For instance, ExxonMobil can't raise its oil prices even if it wanted to—which is why many oil companies lost money for a couple years when the globally-set prices fell below the cost of production. The price of gasoline is determined by a combination of global oil prices, refining costs, distribution and marketing costs, local taxes, and fees. The Superfund assessment on an individual oil company cannot impact any of those factors—it's too far upstream to impact local costs, and way too small to impact global oil price-setting. So even if ExxonMobil wanted to raise prices in NYS for purely political reasons, say to punish the public, there's no way they could actually do it.

4. Climate Superfund fees are based on past releases of GHGs from large oil companies, which are responsible for today's climate crisis and the need for repair, resiliency and protection projects. The fees do not impact a company's current oil production costs. If a company's production cost remains the same, its price point for maximizing profit remains the same, and there should be no change in price at the pump. The company would treat the fee on its past pollution as a one-time “sunk” cost. So, the Superfund costs would be absorbed by the company.

5. You can't pass along a cost to someone who's already paying for it. NY taxpayers are already footing 100% of climate crisis costs in the state. The Climate Change Superfund Act will provide relief for this taxpayer burden and New Yorkers will come out ahead, because Big Oil will pay a fair share of the costs for resiliency projects estimated to cost in the hundreds of billions.

The climate crisis poses an immediate, grave threat to the state's communities, health, environment, and economy. NYPIRG urges the Assembly and Senate to include the Climate Change Superfund Act in the Assembly and Senate one house budget proposals. The legislation would make New York a national leader with this first-in-the-nation, just and fair approach to ensure the state's efforts to respond to global warming are appropriately funded by the industry that profited from and is responsible for the climate crisis.

Strengthen New York's effort to decarbonize its housing and protect low and moderate income ratepayers by including the NY HEAT Act in the final budget (S.2016-B/A.4592-B)

The *New York Home Energy Affordable Transition Act (NY HEAT)* provides the Public Service Commission (PSC) with the authority and direction to align gas utility regulation and gas system planning with the Climate Leadership and Community Protection Act (CLCPA) mandates. Specifically, the bill removes the legal basis and subsidies driving the expansion of gas systems and requires the PSC to adopt rules to provide for the timely and strategic decarbonization and right-sizing of the gas distribution system in a just and affordable manner prioritizing low-to-moderate income customers and disadvantaged communities and encouraging neighborhood-scale transitions.

The bill will maintain the affordability of services for all utility customers, create good jobs, facilitate achievement of the CLCPA climate justice and emission reduction mandates, and facilitate a well-planned and strategic downsizing of the gas system by redirecting ratepayer funds from costly new investments to maintain or expand the gas system to instead fund job-creating neighborhood-scale decarbonization projects.

Millions of New Yorkers struggle to pay escalating energy bills while utilities continue to implement policies that perpetuate the worsening climate crisis by failing to aggressively reduce greenhouse gas emissions (GHG). The bill allows the PSC to require that the State's utilities comply with the CLCPA and provide affordable and clean home energy sources, rather than just gas. It will help customers switch to zero-GHG emissions heating and cooling and ensure affordability by capping energy bills for all customers at 6% of income, avoiding billions of dollars in new gas infrastructure investments, and investing in energy saving home improvements.

The State needs to drastically reduce GHG emissions by reducing the use of gas for heating and cooling buildings. Current gas utility business models are premised on expanding, not contracting, gas infrastructure and services. New York's current laws promote gas system expansion by establishing a gas utility *obligation to serve gas* to any new customer upon request while providing that existing customers *subsidize* their new service connections. This undermines the important climate justice directives and binding emissions reduction goals in the CLCPA, and it makes New York ratepayers subsidize the fracked gas industry.

Low-income New Yorkers suffer the most if the state fails to properly plan for the right-sizing reduction of the gas system, as they will be among a shrinking group of customers burdened with the cost of maintaining that distribution network. Further, low and moderate income New Yorkers are currently energy-burdened, paying an average of 10% of their income on utilities.²⁹ The bill will codify an existing goal that no household pays more than 6% of their income on their utility bills, delivering financial relief to millions of families. The bill controls for potential increased energy usage by residential customers by permitting the PSC to authorize a reasonable per-customer limit on the amount of energy subject to the 6% energy burden protections.

The bill removes barriers to the development of shared geothermal energy networks to enable communities to access zero GHG emissions heating and cooling and deliver cleaner air. It will also create a demand for highly skilled, high-paying jobs to manage the transition. The bill ensures that neighborhood-scale decarbonization projects hired out by utilities (rather than homeowners) are subject to prevailing wage requirements, supporting good, family-supporting jobs. **NYPIRG urges you to insert the language of NY HEAT in the final budget and to replace the Governor's language.**

Stop Climate Polluter Handouts Act: Wasteful Taxpayer Subsidies to the Fossil Fuel Industry (S.3389/A.7949)

The End Climate Polluter Handouts Act is an important application of the Climate Act on the state's fiscal policy. The State provides over \$1.5 billion annually to the climate crisis contributors—the fossil fuel industry.³⁰ Ending state subsidies to the polluting fossil fuel industry is critical to help meet the Climate Act goals as the State is undermining the law by subsidizing the very industry that created this crisis. To the detriment of its citizens, the State is “talking out of both sides of its mouth” by providing funds to the polluting industrial sector it has statutorily declared needs to be phased out.

²⁹ New York State Department of Public Service, “Energy Affordability Program,” <https://dps.ny.gov/energy-affordability-program#:~:text=Energy%20costs%20for%20low%2Dincome,State%20utility%20low%2Dincome%20customers>.

³⁰ Assemblymember Kevin Cahill Sponsor Memorandum, A. 8483, Feb. 2022, [Bill Search and Legislative Information | New York State Assembly \(nyassembly.gov\)](https://www.nyassembly.gov/Bill-Search-and-Legislative-Information)

The bill repeals the most egregious fossil fuel subsidies and saves the state approximately \$336 million annually.³¹ It signals that the State is seriously and consistently abiding by the goals of the CLCPA and taking actions to transition to a climate-healthy future. For example, the bill ends: \$118 million in airline fuel tax exemptions; \$89 million in fossil fuel research and development and certain property tax exemptions; \$65 million in petroleum gas tax exemptions; and limits subsidies in a number of economic development programs. After a careful review, the legislative sponsors focused on eliminating these subsidies first as they have a limited impact on consumers.

Climate, Jobs, and Justice Bill Package will Advance the Climate Act Implementation

NYPIRG stands with its partners in the NYRenews coalition in advocating for the passage of a package of bills and funding proposals to advance the goals of the Climate Act by raising significant state funds to decarbonize the state's building, transportation and infrastructure sectors while ensuring a green economy for all, to ensure that communities of color and low-income communities fully benefit from the transition, and to ensure a just transition for workers.

The *Climate, Jobs, and Justice Bill package* includes the Climate Change Superfund Act and the NYHEAT Act, and the following proposals.

- Advancing NY Renews' proposed *People's Climate Justice Budget*, which outlines \$1 Billion in funding to critical, shovel-ready climate and environmental justice projects.
- *Just Energy Transition Act* (S.2935-C/A.4866-C) provides a plan to guide the replacement and redevelopment of at least 4 gigawatts of New York State's oldest and most polluting fossil fuel facilities and sites by 2030. It lays out a clear, mandatory direction for moving forward with the transition off fossil fuels per the Climate Act.

NYPIRG also urges support for a landmark bill, the *Renewable Capitol Act* (A.5633-A/S.2689-A), which mandates that several state facilities in downtown Albany, including the Empire State Plaza and the State Capitol building, receive their electric power, and heating and cooling, from 100% renewable energy within three years, after a planning process with local community input. This bill follows a successful campaign by the Sheridan Hollow Alliance for Renewable Energy (SHARE), a Capital District-based advocacy group, that stopped the state from building two gas fired turbines to meet state energy needs in Sheridan Hollow, an environmental justice neighborhood near the State Capitol. This bill requires the state to finish the job of protecting local residents from threats to their health due to fossil fuel combustion on the site, while addressing climate change.

Converting the state Capitol to 100% clean renewable energy is a critical environmental justice issue. For more than a century the state has polluted a low-income African American community to power the Capitol Complex, at various times burning coal, oil, gas, and garbage. State health data shows a significant cancer cluster near the plant on Sheridan Avenue. In rejecting Cuomo's proposal to expand fossil fuel burning in the community, state lawmakers directed state agencies to instead spend the \$88 million appropriation to the extent practical on renewable energy. While energy improvements have been made, progress has been much slower than expected, leading lawmakers to propose the Renewable Capitol Act.

Waste Reduction, Recycling and Combating the Plastic Pollution Crisis

New York State has a solid waste, toxics, and plastic pollution crisis. A 2022 international report found the world is beyond the toxic tipping point. This scientific study, published in the journal *Environmental Science & Technology*, found that "the total mass of plastics now exceeds the total mass of all living

³¹ Ibid. Memorandum cites NYS Division of Budget FY 2022 Annual Report on New York State Tax Expenditures.

mammals," a clear indication that the world has crossed a boundary.³² Crucially, production of single use plastics shows no signs of slowing down and have been exponentially increasing. Since 1950, there has been a fifty-fold increase in plastic production. This number is expected to triple by 2050.³³

The CAC recommends comprehensive action to reduce the state's generation of solid waste citing its role in the generation of greenhouse gases. The Plan states, "GHG emissions from the waste sector represent about 12% of statewide emissions, including landfills (78%), waste combustion (7%), and wastewater treatment (15%). Most of these emissions represent the long-term decay of organic materials buried in a landfill, which will continue to emit methane at a significant rate for more than 30 years."³⁴ The Plan recommends the following set of ambitious but necessary solid waste goals based on a long-standing statute.

"Vision for 2030. For solid waste management and WRRFs, the major contributors to emissions are associated with landfill emissions, though sources are also found at WRRFs and other facilities. To reduce emissions to achieve the required 2030 GHG emission reductions, significant increased diversion from landfills as well as emissions monitoring and leak reduction will be needed. A circular economy approach to materials management is understood and employed.

Vision for 2050. The Climate Act requires a more dramatic decrease in GHG emissions by 2050, achieving at least an 85% reduction (compared with 1990 levels). **For solid waste and WRRFs, this necessitates a dramatic shift in the way waste is managed, to the point that landfills and combustors are only used sparingly for specific waste streams, and reduction and recycling are robust and ubiquitous.** In addition, methods to monitor leaks and emissions are well developed and implemented, and those emissions are significantly reduced. The circular economy approach for materials management is fully implemented and embraced... (Pg. 319 Plan)

"In 1988, the Solid Waste Management Act (ECL § 27-0106) established in law the preferred hierarchy of solid waste management. The hierarchy established the following priorities to guide the programs and decisions of the New York State Department of Environmental Conservation (DEC) and other State agencies:

- First, to reduce the amount of solid waste generated.
- Second, to reuse material for the purpose for which it was originally intended or to recycle the material that cannot be reused.
- Third, to recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled.
- Fourth, to dispose of solid waste that is not being reused or recycled, or from which energy is not being recovered, by land burial or other methods approved by DEC."

Expand New York's Most Successful Recycling Program by Passing the Bigger, Better, Bottle Bill (S.237-B and A.6353)

2024 is the 41st anniversary of initial implementation of the state's Returnable Container Act, affectionately called the "*Bottle Bill*." Enacted in 1982, the 'Bottle Bill' requires a 5-cent refundable deposit on eligible beverage containers to encourage their return to avoid litter and waste.

³² Environmental Science and Technology, *Outside the Safe Operating Space of the Planetary Boundary for Novel Entities*, 1/18/2022, <https://doi.org/10.1021/acs.est.1c04158>

³³ Carrington, Damien, *Chemical pollution has passed safe limit for humanity, say scientists*, The Guardian, 1/18/2022, <https://www.theguardian.com/environment/2022/jan/18/chemical-pollution-has-passed-safe-limit-for-humanity-say-scientists>

³⁴ New York State Climate Action Council Final Scoping Plan, p.316.

New York's Bottle Bill has been the state's most effective recycling and litter prevention program. According to the Department of Environmental Conservation (DEC), the Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled.³⁵ After its four-decades of success, the Bottle Bill should be modernized by expanding the law to include popular non-carbonated beverages, wine, spirits, and hard cider and increasing the redeemable deposit value to 10-cents to increase the rate of recovery.

Modernization of the 40-year-old Bottle Bill will further enhance litter control (most notably in underserved lower income communities), help stimulate recycling efforts, encourage the use of refillable containers, and is a matter of economic justice that will provide badly needed funding for communities that face low redemption rates due to inadequate access to retailers and redemption centers. States with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.³⁶ *The national group ReLoop stated in a 2022 report that the bottle bill's expansion and deposit increase to a dime would likely result in a 90% recycling redemption rate.*³⁷

Recent developments in global waste policy make an even stronger case for this new measure. China, which had been accepting massive amounts of the nation's waste, stopped accepting such imports in 2018, resulting in these recycled wastes being the responsibility of local governments.³⁸ These municipal recycling systems are not equipped to deal with the high amounts of waste that have flooded their systems. The state had been made aware by their own agencies that New York needed further waste diversion tactics. The DEC has called for an expansion of the program since their 2010 *Beyond Waste* plan.

Municipal recycling programs are particularly struggling with glass contaminating their recycling streams. When glass breaks in curbside containers it contaminates the rest of the materials and renders much of it unrecyclable for the municipality. The expansion of the Bottle Bill to include wine, spirits, and non-carbonated beverages, with a deposit increase from a nickel to a dime, will take a significant amount of containers out of municipal recycling programs. The costs of recycling many of the containers that are not covered under the state's Bottle Law are too high for many municipalities. For example, the costs associated with collecting and processing PET plastic bottles and glass per ton are higher than revenues per ton for scrap material.³⁹ Expanding the Bottle Law would eliminate these costs for municipal programs by creating a financial incentive (the deposit) for consumers to return and an obligation (the law) for retailers to accept these containers, relieving the burden on local government recycling programs.

Expanding the Bottle Bill would be a major financial benefit both for New York's municipalities and the state as a whole. While recycling an additional 5.5 billion containers, ReLoop estimates that expanding the law would save New York's municipalities \$70.9 million dollars annually through waste diversion.⁴⁰ Not only would municipalities save financially, but diversion on this scale would save an estimated 331,900 metric tons of CO₂, the equivalent of removing 32,000 cars every year.⁴¹ The unclaimed bottle deposits are a revenue generator to the state's General Fund that brings in millions of dollars to support

³⁵ New York State Department of Environmental Conservation, "New York's Bottle Bill," <http://www.dec.ny.gov/chemical/8500.html>

³⁶ Container Recycling Institute, Bottle Bills, <https://www.container-recycling.org/index.php/issues/bottle-bills>

³⁷ ReLoop Platform, "Reimagining the Bottle Bill," <https://bottlebillreimagined.org/>

³⁸ Quinn, Megan, "National Sword kicked off a wave of MRF investments. 5 years later, tech and funding continue to advance." *Waste Dive*, 9/14/2022. <https://www.wastedive.com/news/national-sword-five-years-mrf-robotics-recycling-investment/630731/>

³⁹ Container Recycling Institute, "Cost of Curbside Recycling for Beverage Containers," 5/31/2018, <http://www.container-recycling.org/index.php/publication>

⁴⁰ ReLoop, "Reimagining the Bottle Bill," June, 2022, <https://bottlebillreimagined.org/wp-content/uploads/2022/06/Reimagining-the-Bottle-Bill-FINAL-JUNE-2022.pdf>

⁴¹ *Ibid.*

environmental programs statewide. In 2021, the state received \$117 million from unclaimed bottle deposits.⁴² ReLoop estimates that an expanded Bottle Bill would generate between \$171-349 million for state reinvestment.⁴³

NYPIRG recently commissioned a Siena College Research Institute poll, looking at the popularity of modernizing New York's Bottle Law. *The poll found that 71 percent of respondents favor expanding the recycling program to include bottles and cans for beverages including teas, sports drinks, juices, wine and liquor.*⁴⁴ The release of the poll amplified a call from more than 300 community, civic, and environmental organizations to Governor Hochul to modernize the state's bottle deposit law as part of her Executive Budget. A strong majority of New Yorkers are supportive of the program, believe it reduced litter in the state, and support raising the deposit on beverage containers from a nickel to a dime.⁴⁵

Our belief is seconded by the New York State Department of Environmental Conservation, which stated in its recently-released 10 year solid waste plan, that the state should

Support proposals, such as modernization and expansion of the Bottle Bill (Returnable Container Act), increased handling fees, and the development of an interagency Bottle Bill task force that will reduce fraudulent sales and redemption activities in violation of the Returnable Returnable Container Act and other state laws.⁴⁶

Post-budget Pass the New York Packaging Reduction and Recycling Act (S.4246-A/A.5322-A)

NYPIRG strongly supports the concept of holding producers (or polluters) financially responsible for their waste and has been a longtime supporter of extended producer responsibility (EPR) policies. One of the most successful recycling and litter reduction programs in New York, the Bottle Deposit Law, is an extended producer responsibility policy.

We include this in our testimony not because we wish to see packaging legislation in the budget, we do not, but to highlight the need to tackle this issue during the session.

Over 99% of plastics are sourced from fossil fuels.⁴⁷ The most common source of plastic resin in the United States is natural gas. This means the more plastic society uses, the longer the fossil fuel industry is kept running. When Coca-Cola, PepsiCo, and Keurig Dr Pepper combined to pour 121 million tons of greenhouse gasses into the atmosphere, they eclipsed the entire climate footprint of Belgium.⁴⁸

Microplastics have been found to cause both allergic reactions and cell death in humans.⁴⁹ Further, looking

⁴²Container Recycling Institute, "The Fate of Unclaimed or Abandoned Deposits," 2022,

<https://www.bottlebill.org/index.php/about-bottle-bills/the-fate-of-unclaimed-or-abandoned-deposits>

⁴³ Ibid.

⁴⁴ Barnes, Steve, *Poll: New Yorkers favor expanded recycling, 10¢ deposit*, *Albany Times-Union*, 1/29/2022,

<https://www.timesunion.com/environment/article/poll-new-yorkers-favor-expanded-recycling-10-17748223.php>

⁴⁵ Ibid.

⁴⁶ New York State Solid Waste Management Plan, Building The Circular Economy Through Sustainable Materials Management, December 2023, p. 27

⁴⁷ <https://www.ciel.org/wp-content/uploads/2017/09/Fueling-Plastics-Fossils-Plastics-Petrochemical-Feedstocks.pdf>, pg.1.

⁴⁸ Elgin, Ben, *Big Soda's Addiction to New Plastic Jeopardizes Climate Progress*, *Bloomberg*, 7/12/2022.

⁴⁹ Parker, Laura, *Microplastics are in our bodies. How much do they harm us?* *National Geographic*, 4/25/2022, <https://www.nationalgeographic.com/environment/article/microplastics-are-in-our-bodies-how-much-do-they-harm-us>.

at hamsters, researchers have found that microplastics appear to lead to blood clotting in mammals.⁵⁰ Inhaling burnt plastics is a well known cause of cancer, as many of the chemicals within plastics are made of carcinogens.⁵¹ In fact, China’s much publicized decision in 2018 to stop importing the nation’s solid waste, was cited as a matter of public health.⁵² Not that this decision stopped America from finding other poorer and developing countries to accept our waste such as Bangladesh, Laos, and Ethiopia.⁵³ The world is also now at a point in which all of us can inhale nanoplastics.⁵⁴ The science is clear that reliance on any plastics, not just single-use plastics, is a detriment to local and global human health.

NYPIRG is pushing for the implementation of an Extended Producer Responsibility (EPR) program to ensure corporations are on the hook for a “cradle-to-grave” approach to reduce and be responsible for their packaging waste. A significant contributor to our waste and plastic pollution crisis is the fact that consumer brand-owners have no financial responsibility for the solid waste management of their product packaging. They have no requirements or incentives to reduce packaging waste, create reusable products, make packaging easier to recycle, or boost market demand by using more recycled content. EPR requires companies to be financially responsible for mitigating the environmental impacts of their product packaging, through reduction, recycling and reuse.

Waste accounts for 12% of statewide emissions, most of which comes from landfills that will continue to release significant amounts of methane, a greenhouse gas on steroids, for the next three decades.⁵⁵ Methane is 25 times more potent than carbon dioxide when it comes to global warming. Methane levels in the atmosphere have doubled over the last 200 years as a result of industrialization.⁵⁶ Reducing this pollutant rapidly would have a tremendous and immediate impact on mitigating the worst effects of climate change. It's more potent than carbon dioxide, but its lifespan is shorter – only about 12 years compared to centuries.⁵⁷ To reduce methane, the Plan will require robust composting. For other waste streams, effective recycling programs are recommended along with placing the responsibility on the producers for electronic waste and packaging. By 2050, landfills should be nearly non-existent.

The Climate Scoping Plan calls for “significantly increased diversion from landfills as well as emissions monitoring and leak reduction.” Further saying, “a circular economy approach to materials management is understood and employed.” The plan also calls for an expanded bottle deposit law to meet these targets.

The Plan is quite clear how necessary it is to enact an EPR program with real reduction targets, saying “The State should enact and implement new legislation in 2023 that creates an EPR/product stewardship framework. Alternatively, individual legislation should be enacted targeting products with the greatest

⁵⁰ Thompson, Andres, *From Fish to Humans, A Microplastic Invasion May Be Taking a Toll*, Scientific American, 9/4/2018. <https://www.scientificamerican.com/article/from-fish-to-humans-a-microplastic-invasion-may-be-taking-a-toll/>.

⁵¹ Campanale C, Massarelli C, Savino I, Locaputo V, Uricchio VF. *A Detailed Review Study on Potential Effects of Microplastics and Additives of Concern on Human Health*, Int J Environ Res Public Health.

⁵² Sara Kiley Watson, *China Has Refused to Recycle The West’s Plastics. What Now?*, N.P.R. 6/28/2018, <https://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-westsplastics-what-now>.

⁵³ Erin McCormick et. al., *Where Does Your Plastic Go? Global Investigation Reveals America’s Dirty Secret*, The Guardian, 6/17/2019, <https://www.theguardian.com/us-news/2019/jun/17/recycled-plastic-american-global-crisis>.

⁵⁴ Ibid.

⁵⁵ New York Climate Action Council, “Draft Scoping Plan,” December 2022. <https://climate.ny.gov/-/media/project/climate/files/NYS-Climate-Action-Council-Final-Scoping-Plan-2022.pdf>.

⁵⁶ Misdary, Rosemary, *A lot more than gas stoves: A deep dive into what NY must do to meet its climate law*, Gothamist, Jan. 23, 2023. <https://gothamist.com/news/a-lot-more-than-gas-stoves-a-deep-dive-into-what-ny-must-do-to-meet-its-climate-law>.

⁵⁷ Ibid.

GHG impact (such as packaging and printed paper, carpet, tires, textiles, solar panels, wind turbines, batteries, appliances, especially those containing refrigerants, and mattresses).”

Improving Drinking Water Protection & Improvements

NYPIRG has a long and deep history of advocating for the safeguarding of drinking water supplies to protect them from leaking toxic waste sites, oil spills, sewage runoff, and other sources of pollution. New York’s abundant groundwater and surface water resources are a precious natural treasure. The state has 17 watershed management units, and New York City has the largest unfiltered water supply in the country. Although the state’s water systems predominantly deliver safe water to people, they are vulnerable to threats of contamination from an aging and crumbling water infrastructure and an industrial legacy of toxic sites. In addition, municipal water supplies and private wells that are contaminated need treatment, filters and sometimes alternative water supplies, to ensure people’s health is protected, especially young children, the elderly, and chemically sensitized people.

Increase Funding to \$600 Million for the Clean Water Infrastructure Act to Meet The Needs of Communities

New York needs to make sure that water supplies are protected from source to tap, which means that the state needs to properly fund water infrastructure systems, such as the pipes that deliver drinking water and remove wastewater. The State has gone decades without properly funding these systems, and billions of gallons of untreated sewage entered waterways and hundreds of water mains break annually.⁵⁸

Over the next twenty years, it is estimated that New York needs to invest approximately \$80 billion for wastewater and drinking water infrastructure updates, repairs, and replacements.⁵⁹ That figure does not include funds to preserve land around source water, septic system replacement, and water testing and filtration.

The New York Clean Water Infrastructure Act (CWIA) needs a significant funding increase to meet outstanding needs. The Governor is proposing a 50% cut to \$250 million which will result in fewer projects to replace lead pipes, cleanup toxic PFAS chemicals, prevent water main breaks, and more. This reduction could lead to increased costs for residents, reduced economic growth, and potential health risks from outdated water systems. This drastic cut jeopardizes New York's ability to provide safe water, a fundamental right for all its residents. Reducing the CWIA budget will lead to increased costs for everyday New Yorkers. Most importantly, our health is at stake. Older water systems pose significant health risks, from lead pipes to sewage overflows, and without adequate funding, these risks will only escalate. The state cannot afford to compromise on something as fundamental as clean and safe water. This is not merely an investment in infrastructure; it is an investment in the health, safety, and economic well-being of all New Yorkers.

NYPIRG urges the Assembly and Senate to include in their one house budget proposals and in the final budget CWIA funding at \$600 million annually.

Thank you for the opportunity to testify.

⁵⁸ Office of the State Comptroller, “A Partially Treated Problem: Overflows From Combined Sewers,” May 2018, <https://www.osc.ny.gov/files/local-government/publications/pdf/combined-sewers.pdf>.

⁵⁹ Daily Gazette, “Infrastructure needs state’s full attention,” 2/17/2017, https://www.dailygazette.com/the_recorder/opinion/editorials/infrastructure-needs-state-s-full-attention/article_af8ed19b-ef18-56f4-990f-3ef424b41999.html.