



NEW YORK STATE SENATOR

Velmanette Montgomery

Senate Majority Stands Up For State Environment And New Yorkers' Health

GARY GINSBURG May 1, 2019

| ISSUE: **SOLAR ENERGY AND HOMEOWNERS, ENVIRONMENT, HEALTH, CLIMATE CHANGE, PESTICIDES AND TOXINS**

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(Albany, NY) The Senate Democratic Majority passed major legislation to protect New Yorkers against toxic materials, establish a Constitutional right to clean air and water, and to protect the state's environment and natural resources. These bills are part of the Senate Majority's ongoing commitment to protect New Yorkers' rights and health. The Senate Majority will continue to advance legislation to promote environmental protection and conservation efforts and to protect the state's natural resources.

"The new Senate Democratic Majority understands the dangers of toxic chemicals in our kids' toys, and that's why we're combatting that practice. This should not have taken many years, and a leadership change, to pass," Senate Majority Leader Andrea Stewart-Cousins said. "State government must take a leadership role in the fight against climate change, and we have a responsibility to future generations to take action today. The legislation passed by the Senate Majority will help guarantee that all New Yorkers have a Constitutional right to clean air and water. The Senate Democratic Majority will continue to be a leader in the fight against climate change and we will pass more legislation to protect our environment and

New Yorkers' health."

The historic legislation passed by the Senate Democratic Majority includes:

- **Constitutional Right to Clean Air and Water: This bill, S.2072**, sponsored by Senator Carlucci, will amend the State Constitution's bill of rights to include a right to clean air and water and a healthful environment.
- **Protecting Children From Toxic Toys: This bill, S.501B**, introduced by Chair of the Environmental Conservation Committee, Senator Todd Kaminsky, will establish strict regulations on toxic chemicals in children's products.
- **Banning Harmful Pesticides: This bill, S.5343**, introduced by Chair of the Environmental Conservation Committee, Senator Todd Kaminsky, will prohibit the use of the pesticide chlorpyrifos that has significant known adverse human health impacts, especially for children.
- **Identifying High Local Environmental Impact Zones: This bill, S.181**, introduced by Senator Jose Serrano, will require the Department of Environmental Conservation (DEC) to publish a list of areas in the State that are most adversely affected by existing environmental hazards, known as high local environmental impact zones.
- **Saving Water: This bill, S.354A**, introduced by Chair of the Environmental Conservation Committee, Senator Todd Kaminsky, will align water saving performance standards with the WaterSense Program guidelines developed by the U.S. Environmental Protection Agency.
- **Regulating Lead Contaminated Jewelry: This bill, S.4046**, introduced by Senator Kevin Parker, will require jewelry containing 40 parts per million of lead to carry a warning that the jewelry "may be harmful if eaten or chewed" to notify consumers or parents of children wearing such jewelry that a potential hazard exists.

- **Promoting Solar Within Homeowners' Associations: This bill, S.4742A**, introduced by Senator Kevin Parker, will prohibit homeowners' associations from restricting the installation or use of solar power systems while still granting them a role in the decision-making process.
- **Clearly Defining 'Local' For New York Agriculture Products: This bill, S.3829**, introduced by Senator Jen Metzger, will direct the Department of Agriculture and Markets to establish guidelines for foods to be labelled as "local." Currently, there is no statewide definition of "local" or "locally grown." According to Packaged Facts, a market research firm, local foods generated \$11.7 billion in sales in 2014, and will climb to \$20.2 billion by 2019. Under this bill, consumers will have confidence that the products labeled as 'local' are truly local and from New York producers.
- **Increasing Tax Credits for Solar: This bill, S.752**, introduced by Senator Velmanette Montgomery, will increase the allowable tax credit for the installation of solar energy system equipment.
- **Reducing Mercury in Mercury-added Lamps: This bill, S.2139B**, introduced by Senator James Sanders, will ensure that mercury-added lamps sold in New York State do not contain excessive levels of mercury.
- **Saving Vulnerable Animal Species: This bill, S.5098**, introduced by Senator Monica Martinez, will allow the state to protect species that do not currently enjoy protections on the state or federal level, but are at risk for such a listing, or even worse, extinction due to trade.
- **Bird-Friendly Building Council Act: This bill, S.25A**, introduced by Senator Brad Hoylman, will create a "Bird-Friendly Building Council" in the Department of Environmental Conservation to address both existing buildings and new construction that threaten bird populations.
- **Promote Healthier Lifestyles: This bill, S.2767**, introduced by Senator Leroy Comrie, will help promote a healthier lifestyle to all New Yorkers through an inter-disciplinary approach.

Specifically, this legislation will encourage the expansion of community gardens and the availability of more fresh fruits and vegetables. This legislation will also direct the state and municipalities to develop more and safer bike lanes and multiple-use trails so as to encourage physical activity and reduce carbon emissions.

Chair of the Senate Environmental Conservation Committee and Bill Sponsor, Senator Todd Kaminskysaid, “I am thankful to my Senate colleagues for advancing my legislation to protect our communities from the insidious effects of toxic chemicals in our environment and consumer products. By banning the use of the pervasively harmful pesticide chlorpyrifos, and eliminating toxic chemicals as an ingredient in children’s products, we can properly safeguard our communities. Shielding children, the most vulnerable New Yorkers, from toxic chemicals is long overdue. And my legislation to improve water efficiency will help reserve a critical resource for generations to come.”

Bill Sponsor, Senator David Carlucci said, “The Senate Majority is working to protect our environment for future generations even if our federal government continues to counter important efforts to mitigate climate change. This package of bills, including the Green Amendment, which I sponsor, will help ensure New Yorkers have healthier communities, safer drinking water, more sources of clean energy, and less exposure to harmful chemicals. Thank you Leader Stewart-Cousins for recognizing we only get one planet that must be protected for our children and their children.”

Bill Sponsor, Senator Leroy Comrie said, “Our environment’s upkeep is paramount, as we could not exist without clean air and water. New York State must continue to be a leader in providing access to fresh fruits and vegetables, promoting exercise and wellness, and protecting our residents against harmful materials. I am proud to support this package of

legislation and commend my colleagues for advancing measures to safeguard our state's environment and natural resources."

Bill Sponsor, Senator Brad Hoylman said, "Up to a billion birds a year die from collisions with human-made structures. According to National Audubon Society, incorporating bird-friendly design can reduce collision deaths by nearly 90 percent. I'm grateful to my Senate colleagues for supporting my legislation, the Bird- Friendly Building Council Act (S25A), which will help identify solutions to stem one of the leading causes of bird deaths in the United States. As we commemorate Earth Day in Albany, with the help of Senate Leader Andrea Stewart-Cousins, Senate EnCon chair Todd Kaminsky and Assembly sponsor Steve Engelbright, this important legislation is finally taking flight."

Bill Sponsor, Senator Monica Martinez said, "Our nation is the home to an array of remarkable plants and animals, however many of these incredible species have fallen victim to threats such as climate change and loss of habitat. By prohibiting the sale or possession of anything made in whole or in part of an endangered species in New York, we are taking another step in the right direction when it comes to safeguarding at-risk species and our environment."

Bill Sponsor, Jen Metzger said, "I am proud to sponsor legislation establishing labeling standards to ensure that any food product is marketed as 'locally made' or 'locally grown' in our state is, in fact, made with ingredients grown and produced in New York. The local food movement provides tremendous opportunity to our farmers and food producers, and this legislation helps to ensure that they benefit from it. Transparency and accuracy in food labeling enables New Yorkers to choose responsibly and with confidence that the ingredients in the products they buy are truly grown, raised, harvested, and produced in New York."

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Bill Sponsor, Senator Velmanette Montgomery said, “With a President who refuses to address the threat of climate change, New York needs to lead the nation in the fight for our future. Renewable energy sources will drive us into a more sustainable future, and protect our state for the next generation. I am proud to sponsor this bill and enable more households around New York to adopt solar energy as a clean energy source to power their lives.”

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Bill Sponsor, Senator Jose Serrano said, “Communities like my own in the Bronx have been disproportionately affected by health disparities associated with environmental pollution. Today’s actions will ensure that by identifying high environmental impact zones, New York recognizes the existence of overburdened communities and considers the potential negative effect of any future State projects in environmentally disadvantaged areas. As we move toward a greener, cleaner New York, we must make balanced and informed decisions on environmental matters as we protect the health and well-being of all New Yorkers.”

Senate Deputy Leader Michael Gianaris said, “Protecting New Yorkers and promoting a clean environment go hand in hand and I am excited to support these significant proposals to

protect water, air and our interconnected health. This is the type of leadership the New New York Senate delivers.”

Senator Joseph P. Addabbo, Jr. said, “Taking steps to protect and heal the damage that has already been done to our environment is vitally necessary to safeguarding the public health. I am proud to co-sponsor so many of these initiatives to help ensure a cleaner, greener and safer environment both today and in the future, and to protect our children and families from toxic chemicals in consumer products.”

Senator Jamaal Bailey said, “Ensuring the safety, health, and environment that New Yorkers live in is a top priority in the Senate. With the range of bills that are passing today, we will be protecting children from toxic chemicals, addressing long-time standing environmental issues, and promoting healthier lifestyles. I want to

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Senator Brian Benjamin said, “From Central Park to Niagara falls, New Yorkers of all backgrounds and ages deserve to live healthy lives in a clean and healthy environment. I’m proud to join my colleagues in passing this package of legislation today.”

Senator Alessandra Biaggi said, “To keep New Yorkers healthy, we must take into account every avenue where harmful toxins are entering our environment – from the air we breathe to the toys we allow our children to play with. This suite of legislation is a holistic approach to reducing New Yorkers’ exposure to dangerous chemicals, promoting a culture of community wellness, and protecting our environment for future generations.”

Senator Neil D. Breslin said, “I am proud to vote yes on the package of bills that the Senate Democratic Conference brought to the floor today. This legislative package sends a message

that the State Senate is fighting to protect some of our most valuable natural resources that include clean air and water. We are promoting clean energy solutions, and curbing the spread of toxic chemicals in our pesticides and children's toys."

Senator Jim Gaughran said, "Our environment is our greatest natural resource and we must ensure it is protected for generations to come. I am proud to support this package of legislation that strengthens critical environmental protections. Safe, clean air and water is a human right and we must treat it as such."

Senator Andrew Gounardes said, "There can be no "Plan B" when it comes to protecting the health of our citizens. I'm proud to support swift and bold legislative efforts by the State Senate to fight the catastrophic effects of climate change and contaminants in our environment and our water. As Washington continues to be bogged down by division and dysfunction, New York State is taking action and making a tangible difference in people's lives."

Senator Pete Harkham said, "Protecting New York's environment has always been one of my top priorities and I am proud to have fought for passage of this package of bills that will create new protections for the air we breathe, the water we drink and will protect people from toxic substances that can adversely impact human health."

Senator Robert Jackson, said, "These bills are important, common-sense measures to protect all life—human and non-human—in New York State. I am proud to support their swift passage and thank all the advocates who have helped assemble them. These pieces of health and environment legislation also set the stage for the broader work I look forward to our conference accomplishing with the Climate and Community Protection Act. We must be good stewards of this Earth for the generations who follow us."

Senator Brian Kavanaugh said, “I am proud to serve in a Senate Majority in which we put the health and wellbeing of our communities and our planet first. Today, we are making tremendous progress toward protecting our environment and making sure New Yorkers are safe by banning toxic chemicals, especially in toys and other items children use; increasing transparency in the ingredients of personal care products; making sustainable energy options easier to access; and establishing a basic right to clean air and water. I thank Leader Stewart-Cousins and all our colleagues who have worked on this package, especially Senator Kaminsky, who has shown great leadership as Chair of the Environmental Conservation Committee.”

Senator Rachel May said, “It is so important that New York continues to lead in protections for our natural world and our health. So often we see these issues as separate, but they are intimately linked. By working to safeguard our biodiversity we are also protecting our children; by working to combat climate change we are also improving quality of life for our residents. I am proud to stand with Senate Democrats and support these bills.”

Senator Shelley B. Mayer said, “I am proud to vote in favor of a package of bills to protect our natural resources, the environment, and the health of all New Yorkers. We are making it clear that every New Yorker has a right to clean air, water, and a healthful environment. I know how invaluable our natural resources and waterways are to the Sound Shore communities and other areas in my district. These bills are an important step forward in protecting our resources, protecting consumers, and encouraging sustainable energy solutions.”

Senator Zellnor Y. Myrie said, “Historically, environmental and public health problems have hit low-income communities and communities of color the hardest. These bills are a meaningful step toward bringing clean air, clean water, and a safer environment to all New Yorkers.”

Senator Jessica Ramos said, “Today I stand with my colleagues in the Senate as we pass a package of bills to protect New Yorkers’ health and our environment. I am especially proud to vote yes on Senator Kaminsky’s bill to ban harmful pesticides. During my tours of farms in upstate New York, I have seen many farmworkers live on the fields where these harmful pesticides are sprayed. They, and their children, breathe these harmful toxins every day, and banning them is a critical step in protecting farmworkers, along with the fruits and vegetables grown in our state.”

Senator Gustavo Rivera said, “Improving New Yorkers’ health and protecting our state’s delicate environment are the chief concerns in passing these important measures. These two issues go hand in hand and that’s why the Senate Democratic Conference is implementing strong regulations to ensure the safety and well-being of our state’s communities and natural resources.”

Senator James Skoufis said, “From changing the state’s constitution to include the right to clean air and water, to promoting household solar energy, this package of bills demonstrates a strong commitment to New York’s environment and public health. All generations, present and future, are depending on lawmakers to take bold action to ensure that residents are protected. I, along with my Senate colleagues, will continue working tirelessly to find innovative solutions to our most challenging and time-sensitive issues.”

Senator Kevin Thomas said, “As New Yorkers, we all share a responsibility to protect our environment. The health of our children and grandchildren is dependent on the actions we take to address environmental hazards and promote healthier living. Thanks to my colleagues in the Senate and Assembly, we are making important progress in the fight to protect our precious natural resources.”

Peter M. Iwanowicz, Executive Director of Environmental Advocates of New York, said, "Today's action by the Senate Majority is the breath of fresh air the nation needs right now. The bills on the Earth Day agenda protect the air, water, and health for every New Yorker. Much of this legislation has enjoyed broad support for years but went waiting for a leader willing to bring it to the floor for a vote. We look forward to these bills being passed and signed into law and to the Senate passing landmark climate legislation, the Climate and Community Protection Act, this session."

Erin McGrath, Policy Manager for Audubon New York, said, "Audubon New York is pleased to stand with the Senate and Assembly as they celebrate Earth Day by passing legislation that will further protect New York State's birds, people, and other wildlife. We are in the middle of spring migration - when bird collisions with buildings are at their biannual peak - which makes us particularly grateful for the passage of the Bird-friendly Building Council Act. This legislation will enable us to develop a statewide strategy for reducing bird collisions with man-made structures. We thank Senator Kaminsky, Senator Hoylman, and Assemblyman Englebright for prioritizing the passage of this important legislation."

NYSUT President Andy Pallotta said, "Parents should not have to worry about their kids developing an illness simply from playing with their toys. By implementing common-sense regulations, New York is sending a strong message to all manufacturers that children's health and safety must always come first."

Kathleen Curtis, Executive Director of Clean and Healthy New York and Co-leader of the JustGreen Partnership, said, "Thanks to today's action by the NYS Senate and Assembly, our families will be safer and healthier in two important ways: some of the most toxic chemicals known to man will be phased out of children's products, and parents will have essential information to make smart choices to protect their kids."

Julie Tighe, President of the New York League of Conservation Voters, said, “We commend Majority Leader Stewart-Cousins, Senator Kaminsky and the State Senate for passing legislation to protect our environmental and public health. From encouraging the use of solar energy, to protecting and conserving water, passing these bills show that the State Senate is making the environment a top priority. In particular, after years of delay, we thank you for passing the Child Safe Products bill (a.k.a. the Toxic Toys bill) to protect our children from unnecessary exposure to chemicals. Thank you to the Senate for advancing this package of bills to provide critical environmental protections.”

David Levine, Co-founder and President, American Sustainable Business Council, said, “As the leading national business policy group representing the interests of responsible and sustainable businesses, we wholeheartedly support these initiatives that will drive business innovation and business opportunity in the state. There is great consumer demand for clean water, clean air, safer chemicals and products, and improved public health overall. These proposals provide important market signals to businesses to invest in healthier offerings and help grow the New York State economy.”

Bob Rossi, Executive Director of the New York Sustainable Business Council, said, “The New York Sustainable Business Council represents thousands of businesses committed to the triple bottom line of social responsibility, environmental stewardship, and economic prosperity — also known as people-planet-profit. The Child Safe Products Act cuts across all three tenets. Not only would this bill protect our most vulnerable and reduce environmental contamination, it stands to strengthen our economy. With the growing demand for non-toxic products, chemical disclosure will allow manufacturers and retailers to make better-informed decisions. Plus, the children we aim to protect are our future workforce; it is simply poor business practice to ignore this long term risk. Smarter chemical regulations will drive green technology innovation. We believe New York State can and should be a global leader in

sustainable product manufacturing.”

Tyler Smith, Staff Scientist at Earthjustice, said, “Today, the New York Legislature decided not to wait on Donald Trump to protect children from a brain-damaging pesticide. We thank Senator Kaminsky and Assemblyman Englebright for their essential leadership.”

Cecil Corbin-Mark, Deputy Director of WE ACT for Environmental Justice, said, “WE ACT for Environmental Justice has worked for a decade to get a law passed to protect our children from toxic chemicals in the products made for them. We’re so proud to have worked with Senator Kaminsky who has been a leader on this issue from his first day in the Senate.

Senator Kaminsky understood that not all families can buy the high end toxic chemical free children’s products marketed to the rich. He also understood that communities of color and low income white communities are more likely to have Dollar stores that sell toys made before 2008 which are more likely to contain harmful chemicals like phthalates that can trigger asthma. Today, his leadership has led to the strongest law in the country protecting New York’s kids from the chemicals in far too many children’s products.”

Professor Philip J. Landrigan, Director of the Global Public Health Program and Global Pollution Observatory, said, “I am writing you as a pediatrician and public health physician who has worked many decades to protect children against toxic hazards in the environment to express my very strong support for the Child Safe Products Act, S.501B. I consider the Child Safe Products Act to be critical legislation for protecting New York’s children against toxic chemicals and other hazards in consumer products. Children in New York and across America are exposed every day to hundreds of toxic chemicals in consumer products that include endocrine-disrupting phthalates in shampoos and baby bottles, Bisphenol A in water containers, brominated flame retardants in baby furniture, perfluorinated chemicals (PFAS) in furniture and cooking utensils, and a

wide range of toxic chemicals in toys. Even very low-dose exposures to these and other toxic chemicals - exposures that would have no effect at all in adults - can cause devastating damage in children. The injuries caused to New York's children by toxic chemicals in consumer products result in health costs of many millions of dollars. Many of these costs fall on the state's Medicaid budget. It is therefore essential on both medical and economic grounds to pass the Child Safe Products Act and to provide our children the common-sense and cost-effective protections that this wise legislation contains."

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Peter M. Iwanowicz, Executive Director of Environmental Advocates of New York, said, "Today's action by the Senate Majority is the breath of fresh air the nation needs right now. The bills on the Earth Day agenda protect the air, water, and health for every New Yorker. Much of this legislation has enjoyed broad support for years but went waiting for a leader willing to bring it to the floor for a vote. We look forward to these bills being passed and signed into law and to the Senate passing landmark climate legislation, the Climate and Community Protection Act, this session."

Erin McGrath, Policy Manager for Audubon New York, said, "Audubon New York is pleased to stand with the Senate and Assembly as they celebrate Earth Day by passing legislation that will further protect New York State's birds, people, and other wildlife. We are in the middle of

spring migration - when bird collisions with buildings are at their biannual peak - which makes us particularly grateful for the passage of the Bird-friendly Building Council Act. This legislation will enable us to develop a statewide strategy for reducing bird collisions with man-made structures. We thank Senator Kaminsky, Senator Hoylman, and Assemblyman Englebright for prioritizing the passage of this important legislation.”

NYSUT President Andy Pallotta said, “Parents should not have to worry about their kids developing an illness simply from playing with their toys. By implementing common-sense regulations, New York is sending a strong message to all manufacturers that children’s health and safety must always come first.”

Kathleen Curtis, Executive Director of Clean and Healthy New York and Co-leader of the JustGreen Partnership, said, “Thanks to today’s action by the NYS Senate and Assembly, our families will be safer and healthier in two important ways: some of the most toxic chemicals known to man will be phased out of children’s products, and parents will have essential information to make smart choices to protect their kids.”

Julie Tighe, President of the New York League of Conservation Voters, said, “We commend Majority Leader Stewart-Cousins, Senator Kaminsky and the State Senate for passing legislation to protect our environmental and public health. From encouraging the use of solar energy, to protecting and conserving water, passing these bills show that the State Senate is making the environment a top priority. In particular, after years of delay, we thank you for passing the Child Safe Products bill (a.k.a. the Toxic Toys bill) to protect our children from unnecessary exposure to chemicals. Thank you to the Senate for advancing this package of bills to provide critical environmental protections.”

David Levine, Co-founder and President, American Sustainable Business Council, said, “As the leading national business policy group representing the interests of responsible and

sustainable businesses, we wholeheartedly support these initiatives that will drive business innovation and business opportunity in the state. There is great consumer demand for clean water, clean air, safer chemicals and products, and improved public health overall. These proposals provide important market signals to businesses to invest in healthier offerings and help grow the New York State economy.”

Bob Rossi, Executive Director of the New York Sustainable Business Council, said, “The New York Sustainable Business Council represents thousands of businesses committed to the triple bottom line of social responsibility, environmental stewardship, and economic prosperity — also known as people-planet-profit. The Child Safe Products Act cuts across all three tenets. Not only would this bill protect our most vulnerable and reduce environmental contamination, it stands to strengthen our economy. With the growing demand for non-toxic products, chemical disclosure will allow manufacturers and retailers to make better-informed decisions. Plus, the children we aim to protect are our future workforce; it is simply poor business practice to ignore this long term risk. Smarter chemical regulations will drive green technology innovation. We believe New York State can and should be a global leader in sustainable product manufacturing.”

Tyler Smith, Staff Scientist at Earthjustice, said, “Today, the New York Legislature decided not to wait on Donald Trump to protect children from a brain-damaging pesticide. We thank Senator Kaminsky and Assemblyman Englebright for their essential leadership.”

Cecil Corbin-Mark, Deputy Director of WE ACT for Environmental Justice, said, “WE ACT for Environmental Justice has worked for a decade to get a law passed to protect our children from toxic chemicals in the products made for them. We’re so proud to have worked with Senator Kaminsky who has been a leader on this issue from his first day in the Senate. Senator Kaminsky understood that not all families can buy the high end toxic chemical free children’s products marketed to the rich. He also understood that communities of color and

low income white communities are more likely to have Dollar stores that sell toys made before 2008 which are more likely to contain harmful chemicals like phthalates that can trigger asthma. Today, his leadership has led to the strongest law in the country protecting New York's kids from the chemicals in far too many children's products."

Professor Philip J. Landrigan, Director of the Global Public Health Program and Global Pollution Observatory, said, "I am writing you as a pediatrician and public health physician who has worked many decades to protect children against toxic hazards in the environment to express my very strong support for the Child Safe Products Act, S.501B. I consider the Child Safe Products Act to be critical legislation for protecting New York's children against toxic chemicals and other hazards in consumer products. Children in New York and across America are exposed every day to hundreds of toxic chemicals in consumer products that include endocrine-disrupting phthalates in shampoos and baby bottles, Bisphenol A in water containers, brominated flame retardants in baby furniture, perfluorinated chemicals (PFAS) in furniture and cooking utensils, and a wide range of toxic chemicals in toys. Even very low-dose exposures to these and other toxic chemicals - exposures that would have no effect at all in adults - can cause devastating damage in children. The injuries caused to New York's children by toxic chemicals in consumer products result in health costs of many millions of dollars. Many of these costs fall on the state's Medicaid budget. It is therefore essential on both medical and economic grounds to pass the Child Safe Products Act and to provide our children the common-sense and cost-effective protections that this wise legislation contains."

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