



**ENVIRONMENTAL
ADVOCATES OF NEW YORK**
YOUR GOVERNMENT WATCHDOG

Testimony Regarding the Environmental Provisions of Governor Cuomo's Executive Budget Proposal for SFY 2020-2021

Peter Iwanowicz, Executive Director

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This year we mark the 50th Anniversary of the first "Earth Day." Now, as in 1970, the people are marching demanding action this Legislative Session to ensure that the promise of clean air, pure waters and a livable planet are goals we commit to with a new set of laws.

The costs of inaction are enormous. Based on the widely accepted social cost of carbon pollution of \$50 per ton, New York has \$10.2 billion dollars in costs per year attributed to the pollution we emit that is fueling climate change. This is a staggering blow to our health, our environment, our communities and our economy.

The bold climate law, the Climate Leadership and Community Protection Act (CLCPA) sets the framework for acting, but we cannot afford any delay in getting to the task of implementing the law.

Governor Cuomo's *State of the State* set the stage with the environment front and center, in particular with an emphasis on the need to address the climate crisis. In his address he stated:

"No economic strategy, no social justice reform, no education policy will be worth a damn if we don't have a planet that we can live on."

While heartening to hear the Governor discuss the environment as a threshold issue for economic growth and the health and livelihood of all New Yorkers, Environmental Advocates was disappointed to see the Executive Budget lacks the bold funding needed to truly match the urgency of the climate crisis.

The SFY 2020-2021 Executive Budget proposal does provide for a number important environmental initiatives, such as a \$3 billion "Restore Mother Nature Bond Act," wetlands protections, and banning polystyrene containers, but it also provides past years of status quo proposals, and falls short in providing new capital investment needed to jumpstart implementation of our State's historic climate change legislation, despite the Governor's \$33 billion five-year plan to combat climate change.

Our recommendations for modifying the Executive Budget proposal and moving New York forward to be the environmental leader this nation needs are as follows:

Climate Initiatives

Implementation of the State's Climate Law: *The New York Times* rightly labeled the Climate Leadership and Community Protection Act (CLCPA) “one of the world’s most ambitious climate plans.” This is the year that New York State must get down to the business of meeting the legally binding goals of the CLCPA so we can transition New York’s economy off fossil fuels. To get to a fossil-fuel free New York by 2050, in a just and equitable manner that does not leave front-line communities behind, the CLCPA must be backed by sufficient funding.

Successful implementation of the CLCPA will propel New York into a true leader in the development and deployment of clean energy technologies, the transition of transportation and buildings off fossil fuels to a system powered by clean energy and climate-friendly land use. All this must happen while we ensure equity for communities on the front lines of climate change: low-income residents, seniors, communities of color, immigrants, and vulnerable people who are often the first impacted and the last to get relief when disaster strikes.

Establishing a \$1 billion climate fund to build the infrastructure necessary for the clean energy economy, enhance access to clean transportation, and to deliver resources to help communities and the state’s workforce transition off fossil fuels will enable the state to buildout the programs and community initiatives that are going to be critical to meeting our climate mandates. While substantial and important, we cannot afford to rely solely on the state’s existing off-budget clean energy commitments to reach our goals. We must go further and provide communities access to the resources and support they need this year. Ensuring a just and equitable transition off fossil fuels begins with aligning the state budget with our climate priorities and a \$1 billion capital investment is a necessary first step as the state ramps up to a funding level that truly matches the urgency of the climate crisis.

We urge the Legislature to establish a dedicated capital fund that would build the infrastructure necessary for the clean energy economy and immediately start delivering resources to help communities and the state’s workforce transition off fossil fuels to ensure we are providing the investments needed to truly matches the urgency of the climate crisis. A level of \$ 1 billion in SFY 2020-2021 will represent the seed funding this capital program will need.

Regional Greenhouse Gas Initiative (RGGI): RGGI proceeds have always been intended to supplement New York’s array of clean energy programs in order to enhance them and expand their reach to a broader set of customers, and this year we have a state climate law that requires at least 35% of that clean energy money to be directed to benefit frontline environmental justice and disadvantaged communities.

For the sixth straight year, the Governor has proposed transferring \$23 million in RGGI funds to the General Fund to cover costs associated with certain energy related tax credits (Part VV of the Public Protection and General Government Article VII bill). The Executive Budget also includes a transfer of \$5 million to the Environmental Protection Fund (EPF) while failing to increase the overall EPF spending thus supplanting existing funding commitments. Since 2015, the state budget process has stripped nearly \$200 million in RGGI dollars from NYSERDA. The lion’s share of those funds has been directed to supplant costs associated with energy tax credits and the Electric Generation Facility Cessation Mitigation Program.

To date, \$115 million in RGGI funds have been transferred to support energy tax credits that in some instances had been supported by state operating funds since the mid-nineties. The practice of supplanting state funding with RGGI dollars has raised questions around equitable access to auction proceeds since low-income households have limited ability to take advantage of tax credits. What is more, is the goals and mandates of the CLCPA require at least 35% of clean energy funds be directed to benefit frontline environmental justice and disadvantaged communities making the transfers a complete misalignment with the State's climate law.

Diversion of funds out of RGGI to support long-standing tax credits and supplant funding for the EPF runs counter to the value of these resources supplementing existing programs and lowers the total amount of funding the state should be spending to move us toward our climate and clean energy goals. Moreover, tax credits offer little to no direct benefit to the lower income and environmental justice communities that are disproportionately burdened by the impacts of climate change and fossil fuel derived pollution as required by the CLCPA.

We urge the Senate and the Assembly to reject the proposed transfer of RGGI funds and direct NYSEDA to amend its RGGI regulations to align with the goals and mandates of the CLCPA so that at least 35% of RGGI auction revenues are prioritized for frontline environmental justice and disadvantaged communities.

Large Scale Renewable Energy Development: We are encouraged that the Governor has recognized the need to expedite the development of renewable energy facilities in order to meet the targets established by the CLCPA. However, the Executive Budget did not include any provisions to meet the Governor's stated goals. The legislature should work with the Governor on solutions designed to address issues related to permitting, interconnection, and transmission in ways that do not hinder the development of projects already in the process or somehow weaken the environmental justice protections woven throughout the siting process that applies to all proposed electric generation facilities.

Clean Transportation Initiatives

The transportation sector is the largest source of climate pollution in New York, representing 34 percent of the state's greenhouse gas emissions. Emissions from tailpipes are also responsible for smog, soot, and other toxics that contribute to adverse health outcomes, particularly in children and those suffering from chronic illness. New York's greenhouse gas reduction targets necessitate a transition from vehicles powered by internal combustion engines to a transportation system powered by clean, renewable electricity.

A transportation system powered by electricity requires significant investment in electric vehicles and charging stations, as well as electrification of mass transit systems. Currently less than 1% of all 11 million registered passenger vehicles in the state are electric vehicles, which demonstrates the ongoing need to commit state funds to electric vehicle acquisition and infrastructure. The Cuomo administration reports that there are 45,000 electric vehicles on New York's roads and there are now 4,000 charging stations available for use, but this is simply not enough. In order to achieve an 85% reduction in greenhouse gas emissions by 2050, as mandated by the CLCPA, more resources must be dedicated to carbon free transportation options.

Electrifying Municipal Fleets: Local governments are vital in achieving our transportation emissions reduction goals and well positioned to lead by example to help propel New York's transition to a clean transportation future. Aside from the health and environmental benefits that come with reductions in air

pollution, transitioning to electric vehicles will bring significant economic benefits to households, businesses, and governments. Electric vehicles are simply more efficient than their gas-guzzling counterparts, costing 50 to 70 percent less to operate. Electric vehicles have fewer moving parts than those powered by internal combustion engines, meaning a reduction in maintenance costs, which can be significant when it comes to managing municipal fleets. Fuel savings over the life of an electric vehicle can add up to thousands of dollars.

Local leaders have the ability to drive progress by fostering an environment that demonstrates not only are electric vehicles a viable alternative to gas and diesel fueled vehicles, they are a wise investment that will only serve to benefit the economic bottom line of local governments, businesses, and households. Environmental Advocates urge the legislature to continue funding and increase the amount of resources offered through programs designed to assist municipal procurement of electric vehicles and publicly accessible charging infrastructure.

Electrifying Public Transit: New York is home to North America's largest transportation network, serving over 15 million people each year. The MTA has committed to electrify its bus fleet by 2040, and the Governor has committed to requiring other large transit agencies to electrify 25% of their fleets by 2025, and 100% by 2035. Meeting and exceeding these mass transit electrification goals will be essential to achieving the 2050 statewide emissions reduction goal. New Yorkers rely heavily on mass transit, and electrification of the transit system assures that New Yorkers have access to transportation systems that are safe, reliable and healthier for all.

The State of California is already moving in this direction. At the end of 2018, the California Air Resources Board (CARB) adopted the California Innovative Clean Transit Rule. The new CARB standard directs the relevant transit agencies in the state to ensure that by 2040 all public transit vehicles in the state will be zero-emissions.

New York has also made promising strides in this direction, with the MTA's 2018 announcement that they plan to transition to an all-electric bus fleet by 2040. Given New York City's size, the MTA accounts for nearly 10% of bus purchases in North America. The MTA's market share, combined with the purchasing power of New York's other transit agencies, will help jumpstart growth in the nascent electric bus manufacturing industry in the state. New York should not miss this opportunity to expand the MTA's initiative to all fleets across the state.

There is no one size fits all approach to upgrading mass transit, as transit options vary by municipality, which is why local leadership is integral to electrifying fleets. Local governments and transit agencies need support and resources to fully electrify.

We urge the Legislature to support the Governor's commitment to electrify public transit fleets and expand upon it to cover all of New York's public transit systems while providing local governments and transit agencies the necessary resources to meet these goals. We also urge the Legislature to support policies that help support the build out of electrification and infrastructure in all transportation sectors.

E-bikes and scooters: Bicycles with electric assist and electric scooters represent zero-emission mobility alternatives to automobiles, especially in congested urban settings. The legislation proposed in the Executive Budget (Parts XX and AAA of the Transportation, Economic Development and Environmental Conservation Article VII bill) establishes electric bicycles and scooters as vehicles and allows municipalities to enact local laws to regulate the use of these transportation options. Legalizing the use of

electric bicycles and scooters as vehicles encourages fossil-fuel-free transportation that can complement and enhance public transit commuting options.

We encourage the Legislature to once again support the adoption of electric bicycles and scooters as vehicles that will help reduce the number of polluting vehicles clogging the roadways.

Environmental Bond Act

“Restore Mother Nature” Environmental Bond Act of 2020: Since the last environmental bond act was nearly a quarter century ago, Environmental Advocates strongly supports the idea of placing an environmental bond act before the voters this year. The Executive has proposed the “Restore Mother Nature” Environmental Bond Act of 2020 with goals to make environmental improvements that preserve, enhance, and restore New York’s natural resources and reduce the impact of climate change through a significant investment in capital projects.

Given the enormous need for clean water infrastructure funding, as well as much-needed funding for climate mitigation and CLCPA implementation, Environmental Advocates supports the Governor’s strategy of making this bonded funding supplemental to those other critical capital expenses, including the \$300 million for the EPF and maintaining the \$500 million in the capital budget for clean water infrastructure projects that benefit local governments and their drinking water and wastewater infrastructure needs. With an influx of this additional bonded funding to those other critical clean water infrastructure and climate mitigation needs, we believe this will position New York as a 21st century leader in terms of our clean and abundant water resources, climate resiliency, and innovative climate mitigation strategies. Environmental Advocates thanks the Governor for making this a priority in the Executive Budget.

In particular, we appreciate the Governor’s commitment to restore habitat and reduce flood risk including wetlands, floodplain, and stream restoration and protection, expansion of riparian buffers, acquisition of real property, shoreline protection, forest preservation, and so on.

We urge the Legislature to clarify to which projects and categories, whether existing or new, the funds will be allocated through these initiatives. We also urge the Legislature to place a high priority on improving climate and flood resiliency in frontline and vulnerable communities.

If additional funds are available given the state’s debt capacity, Environmental Advocates would support \$5 billion to create a ‘source to tap’ program to support underfunded water infrastructure projects such as the \$1 billion needed to replace 350,000 lead service lines in New York and other projects that address the growing problem of emerging contaminants and harmful algal blooms through upgrades to our wastewater and drinking water systems.

An additional \$1 billion could also support the vehicle fleet electrification and publicly available charging stations in all municipalities.

In short, we encourage the Legislature work with the Executive to pass a bond act to restore our natural resources and reduce our flood risk, as a supplement to much-needed clean water infrastructure and climate mitigation funding. We would also support a \$5 billion bond act, if it were to

include underfunded clean water infrastructure projects like the lead service line replacement program and the electrification of the state's transportation sector.

Clean Water Initiatives

Clean Water Infrastructure: New York State has some of the oldest drinking water and wastewater infrastructure in the nation. Water mains regularly break and threaten the safety of our tap water, and outdated sewer discharge raw sewage into our rivers and waterways that make people sick. \$80 billion over 20 years, or \$4 billion a year, is the conservative and now outdated 2008 estimate by DEC and DOH of the investment needed to fix New York's drinking water and wastewater infrastructure.

The State Legislature's five-year, \$2.5 billion Clean Water Infrastructure Act (CWIA) of 2017 was the shot in the arm New York needed to start addressing this enormous clean water challenge. For too long, local governments faced such high costs for water infrastructure upgrades that they were unable to embark on needed improvements. Thanks to the grants provided since 2015, communities have been able to jump start critical projects. The Water Infrastructure Improvement Act (WIIA), which receives funding through the CWIA, has, to date, awarded approximately \$1.2 billion to projects in 58 of New York's 62 counties.

Last year, Governor Cuomo made a commitment to invest a second \$2.5 billion in the Clean Water Infrastructure Act. The first \$500 million installment was included in the SFY 2019-2020 State Budget. \$500 million in new funding for the CWIA was included in the Governor's proposed SFY 2020-2021 State Budget.

In 2019, Environmental Advocates published a report, *Untapped Potential*, that examined the effectiveness of water infrastructure spending in New York by analyzing data from the first three rounds of grants awarded under the Water Infrastructure Improvement Act. Our report revealed a thriving program: local governments submitted an increasing number of project applications each year, and the state moved grant funding efficiently out the door, with almost every county in New York receiving funding.

However, there remains an untapped potential for WIIA: each year, only half of shovel-ready projects received a grant award. Too many communities were left waiting on the sidelines for funding, with projects put on hold. Unless we invest more, we are failing to keep up with the incredible demand and simply not doing enough to protect clean water.

Environmental Advocates will soon be releasing an update to *Untapped Potential* which adds the 2018 round of WIIA data to our analysis. Our update confirms many of the trends identified in *Untapped Potential*, including the program's huge popularity with local governments and the steady flow of money into communities. Our update also confirms that current levels of WIIA funding are still not sufficient to meet local governments' demonstrated need. As in prior years, a large number of shovel-ready applications (151 applications) went unawarded in 2018. Once again, only about 50 percent of total shovel-ready applications received grant funding.

This data tells us that New York State could double its annual water infrastructure funding and allocate every penny to a shovel-ready project. With greater levels of funding, WIIA has the potential to do much more to improve New York's water quality. In addition, these clean water projects put New Yorkers to work, providing an additional stimulus to our economy.

Further, the total grant dollars requested by local governments has continued to increase every year; in 2018, local governments requested \$103 million more than in 2017. Over \$267 million was awarded in 2018. However, EFC could have distributed an additional \$232 million to shovel-ready applications if there had been enough money to meet this need.

There was a very large increase in the grant dollars requested by applications that were deemed incomplete, indicating that future years will see even higher demand as these applications become shovel-ready. New York may be at risk of falling below even the 50% rate of funding shovel-ready projects. It is important to note that these submitted applications do not comprise the entire universe of New York's water infrastructure needs. Each year, the number of applications to protect clean water grows.

Moreover, greater demonstrated need for funding shovel-ready projects.

Lead Service Lines: Recent water crises in Flint, Michigan and Newark, New Jersey have shed a spotlight on the problem of lead service lines, which exposed thousands of children in those cities to lead in their drinking water. Lead service lines are the water pipes that connect water mains to a building's internal plumbing. When these pipes corrode, they leach dangerous neurotoxins into tap water.

The threat of lead service lines is not limited to Flint and Newark. An estimated 360,000 lead pipes are buried underground across New York State, and are already contaminating drinking water. In 2018 alone, the City of Newburgh, City of Amsterdam, Village of Ilion, Village of Lyndonville, and Town of Bolton all exceeded the EPA standard for lead in drinking water. According to EPA data, 66 public water systems with the capacity to serve over 126,000 New Yorkers exceeded the EPA standard for lead in drinking water between January 2015 and March 2018.

New York will need to invest at least \$1 billion to locate and replace every single lead service line in the state. The only way to permanently eliminate lead in drinking water and protect public health is to remove the source of lead altogether. The longer lead service lines remain beneath our feet, the greater the chance that water crises will occur here in New York.

Lead service line replacement can be funded through the CWIA, however it is important that this program be given its own line item as a specific program to be funded with clean water infrastructure funds to ensure dedicated funding is earmarked for this critical program.

We urge the Legislature to include line items for each of the programs funded through the CWIA, in particular line items for critical programs like the Lead Service Line Replacement Program to ensure these programs are receiving the funds they need.

Emerging Contaminants: Protecting our drinking water from emerging contaminants will also require large amounts of state investment. New York will soon be finalizing Maximum Contaminant Levels (MCLs) for the chemicals PFOA, PFOS, and 1,4-dioxane. Water systems will be required to install new treatment and filtration systems if they exceed one or more of the MCLs. According to DOH, statewide treatment costs could reach as much as \$1.5 billion for PFOA and PFOS, and \$1.1 billion for 1,4-dioxane.

The Governor has announced that \$350 million is available through the WIIA to assist communities facing these new costs. While Environmental Advocates is very supportive of state grants to aid in the installation of emerging contaminant treatment technology, New York must ensure that its annual

commitment to water infrastructure funding is adequately raised to address this new need, so that traditional water infrastructure upgrades are not short-changed by a lack of available grant dollars.

Water infrastructure funding is an investment with tangible benefits today, as well as in the future. New York's water infrastructure grants created 20,000 jobs in 2019 alone, and each public dollar spent on water infrastructure yields \$2.62 in economic output in other industries. Water infrastructure spending builds the economic base needed to attract businesses and people to communities into the 21st century. Preventing sewage overflows and water main breaks makes both environmental and economic sense.

For these reasons, Environmental Advocates urges the Legislature to go further than the Executive Budget proposal. While we applaud the Governor's continued investment in clean water, \$500 million isn't enough to address the systemic changes and upgrades needed to our water infrastructure to provide clean drinking water to all New Yorkers.

Wetlands: Environmental Advocates strongly supports the Executive's proposed changes to the state's wetlands regulations as an enormous improvement that positively affects our drinking water quality, climate resiliency, and environmental health. The Trump administration recently finalized its repeal of the science-based, Obama-era Clean Water Rule, replacing it with a decades-old definition of the 'Waters of the United States' which decreases the protections of New York wetlands and waterways under the Clean Water Act. While the federal government moves backwards on wetlands protections, there is a need for New York to establish the necessary safeguards to protect our state wetlands and water resources.

Wetlands provide many benefits to people and the environment. They filter sediment, nutrients and pollutants from runoff, improving water quality and serving as a natural filtration for our drinking water. Wetlands control and slow flood waters and serve as a natural buffer along shorelines, thus strengthening our climate resiliency. They provide important wildlife habitat and spawning and nesting grounds for fish, birds and other species. They also serve as important recreation areas for hunting, boating and bird watching.

Currently, under our state regulatory authority, New York can only regulate activities on wetlands larger than 12.4 acres and smaller wetlands only when they are on approved DEC wetland maps. The approved wetlands maps are in many cases outdated and incomplete, and the process for preparing them cumbersome, thereby limiting the state's ability to effectively regulate and protect thousands of acres of wetlands.

The Governor's proposal changes the purpose of the DEC wetlands maps to an educational one, no longer for the purpose of determining if a wetlands permit is required (Part TT of the Transportation, Economic Development and Environmental Conservation Article VII bill). The proposal also changes the wetlands that are under regulatory authority to those at least 12.4 acres in size or those less than 12.4 acres if of unusual importance.

We welcome and support these changes to remove the jurisdictional challenges that the DEC wetland maps have posed to the protection of the state's wetlands. We believe that this proposed change will lead to the protection of thousands of acres of wetlands, including smaller and isolated wetlands which are facing decreased federal protections under the Trump administration and which studies have shown have a direct impact on the integrity and quality of downstream waters.

While the Executive's proposed bond act aims to restore wetlands, habitats and other natural resources and build our climate resiliency through an investment in this restoration, the Executive's additional proposal to protect existing wetlands is a natural and a necessary complement. Both protecting and restoring wetlands go hand in hand in ensuring clean water resources for the future in New York State, and we applaud the Governor's efforts to include both in this year's Executive Budget proposal.

We urge the Legislature to uphold the Executive proposal on wetlands protections in the final state budget. Further, we strongly urge the Legislature to lower the threshold of protected wetlands from 12.4 to one acre or greater, as is currently being implemented by the Adirondack Park Agency, a measure that would make protections more consistent statewide and ensure the greatest protections to our water resources.

Fracking: Environmental Advocates supports the permanent ban on high-volume hydraulic fracturing and applauds the Governor for including this in Part WW of the Transportation, Economic Development and Environmental Conservation Article VII bill.

That said, there is still much to consider with regard to fracking. The oil and gas industry is exempt from New York State laws governing hazardous waste transport and disposal, even though a great deal of the wastewater generated by dirty gas drilling (fracking) meets the state's definition of hazardous. In 2017, the NYS Department of Environmental Conservation failed to close this egregious loophole when it codified its revised regulations on solid waste management in 6 NYCRR Part 360.

Benzene, toluene, and formaldehyde – all known or suspected human cancer agents - are commonly found in fracking waste, along with naturally-occurring corrosive salts, heavy metals, and radioactive materials. Fracking waste enters local sewage treatment plants and landfills, at times with radiation levels hundreds of times above the safe limits for drinking water and goes back into the rivers and streams that supply water to millions of people.

New York continues to receive waste from fracking operations in Pennsylvania. Between 2010 and 2017, New York landfills accepted at least 609,000 tons and 23,000 barrels of fracking waste. In 2018, three landfills (located in Allegany, Steuben, and Chemung Counties) accepted 18,522 tons of waste. Closing the hazardous waste loophole for oil and gas waste protects against toxic fracking waste entering our landfills, our waterways, and our municipal water treatment plants.

We urge the Legislature to ensure that fracking waste brought into New York for processing is handled under the hazardous waste management regulations, ensuring stringent protections for public health.

Fracking using liquefied petroleum gas ("LPG") as a fracturing fluid poses many of the same dangers as high-volume hydraulic fracturing. These dangers include possible groundwater contamination, radioactive wastes, dangers in the transport of LPG, harmful air emissions, and direct and indirect impacts upon public health.

For this reason, we also urge the Legislature to expand on the Executive's proposed fracking ban to also include versions that utilize liquefied petroleum gas.

Solid Waste Initiatives

Polystyrene container and packaging ban: We are pleased to see a commitment from the Governor in the Executive Budget towards a statewide ban of polystyrene foam containers and packaging materials, commonly known as 'packing peanuts' in Part PP of the Transportation, Economic Development and Environmental Conservation Article VII bill. Polystyrene foam is a type of plastic manufactured from non-renewable fossil fuels and synthetic chemicals. It is damaging to our environment as it does not biodegrade, but rather breaks in micro particles that contaminate our waterways. It is also made of fossil fuels and synthetic chemicals, perpetuating our demand for fossil fuels contributing to the climate crisis, and dangerous to our health as these chemicals can leach into our food.

We support the Executive's proposal to ban polystyrene containers and packaging and urge the Legislature to work with the Governor to make the ban as comprehensive as possible. We also urge the Legislature to propose policies that expand efforts to reduce plastic pollution such as a ban on other single use plastics.

Extended producer responsibility: Developing solutions for tackling the solid waste crisis requires innovative thinking and getting back to the principles of the waste hierarchy of reduce, reuse, recycle, recover and dispose. We are drowning in trash and plastics that are wreaking havoc in our environment and communities. We must institute policies that foster a circular economy in which products are used for as long as possible, then regenerated or recycled into the same product. Producers are largely the ones in the position to effectuate this change. Fostering programs that shift responsibility back on the producers of products requiring a life-cycle management approach is common sense policy. We have seen these programs work for e-waste and batteries.

We applaud the Governor's inclusion of a stewardship program for carpet and mattresses in Part SS of the Transportation, Economic Development and Environmental Conservation Article VII bill. Discarded carpets account for 1.4% of solid waste generated in New York. Often this carpet may be burned, releasing toxic chemicals and leaving behind hazardous incinerator ash, which is dumped in a landfill or recycled into building materials, such as concrete.

However, we also see an opportunity to address the toxic design and makeup of carpets and mattresses. These products are often produced with toxic chemicals, such as PFAS. The toxic fibers and components of these products can hinder the recycling and recovery process. That is why we are advocating for a stewardship proposal that would also tackle the toxic makeup of these products.

We strongly urge the Legislature to work with the Executive to develop stewardship programs for carpet and mattresses and to make the proposal stronger by banning the use of toxic chemicals.

Support for other SFY 2020-2021 Budget Proposals

Environmental Protection Fund (EPF): The Governor has proposed a \$300 million authorization for this year's fund. However, the financial plan does not have the full amount of cash to back it. In addition, the Executive continues the additional off-loads of agency operations to the EPF capital program. These off-loads should be removed from the EPF. With the \$10.2 billion in annual costs to the state, we cannot be nickel and diming the programs that will cut pollution and support the natural systems that we need to fight the impacts of climate change.

We request that the Legislature fund the EPF at the Executive's proposed \$300 million level, but work to move this fund to \$ 500 million within five years. In doing so we urge that Executive's request to

allow for use of funds to cover personnel services be rejected as it was in 2019. We also urge rejection of the Executive's request to supplant \$5 million of general fund support for EPF with a raid of off budget funds from the Regional Greenhouse Gas Initiative. Raiding funds from one environmental program to cover the cost of another is a net loss for the environment. It also runs counter to the letter and intent of the just enacted Climate Leadership and Community Protection Act.

DEC staffing: We are pleased that the Executive's budget proposes to increase staffing levels at the Department of Environmental Conservation (DEC). While these additional staff will help, the DEC needs to return to a staff levels that addresses the losses sustained at the agency during the recession 10 years ago. Too many laws are being inadequately implemented and enforced for one simple reason: there aren't enough cops on the beat.

DEC staff members do the best they can with the resources they have. DEC has not recovered the 800-staff lost during the recession deficit reduction budgets; forcing the agency to choose between increasingly poor options as it struggles to carry out its mission to protect our health and the environment, leaving New Yorkers vulnerable to harmful pollution.

Centers of Excellence in Children's Environmental Health: Children's health has changed for the better. Thanks to public health innovations, infectious diseases are no longer the primary cause of morbidity and mortality. But today's children are afflicted with chronic diseases that start in childhood (and often evolve into adulthood) with debilitating effects on not just the children themselves, but their families and communities. Environmental factors play a dominant role. The cost of environmental disease in New York State is over \$6 billion per year. The Centers of Excellence in Children's Environmental Health are a statewide network of health professionals and institutions whose mission is to provide cost effective interventions to children, families and communities, and offer much-needed expertise on environmental illnesses to physicians across the state who are largely untrained in this area.

This network is an important and invaluable resource for New York. We support the Governor's proposed EPF provides \$2M to support these centers.

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Thank you for the opportunity to provide this testimony. We look forward to working with the Legislature to advance a budget that is protective of New Yorkers health and the Environment.

Environmental Advocates NY's mission is to protect our air, land, water, wildlife, and the health of all New Yorkers. Based in Albany, we monitor state government, evaluate proposed laws, and champion policies and practices that will ensure the responsible stewardship of our shared environment. We support and strengthen the efforts of New York's environmental community and work collaboratively to make our state a national environmental leader.

