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**Written Testimony of
Caroline Chen
Director of Environmental Justice
New York Lawyers of the Public Interest
to the Joint Legislative Budget Hearing
on Environmental Conservation and Energy**

January 28, 2026

Thank you for the opportunity to provide written testimony regarding the climate and climate funding provisions of the Governor's budget bill.

The New York Lawyers for the Public Interest is a legal civil rights non-profit organization with five decades of experience advocating for communities disproportionately burdened and harmed by inequitable decisions in the areas of environmental, disability and health justice. NYLPI seeks lasting change through policy advocacy, pro bono service, litigation, community organizing and education.

In the context of the climate and climate justice, NYLPI works closely with several statewide coalitions made up of hundreds of frontline and community-based organizations to address concerns with the implementation of the Climate Leadership and Community Protection Act, or the CLCPA, to ensure that New York takes real, meaningful steps as a claimed climate leader. In these horrific times of federal attacks on everything that makes our civil society, including climate, climate justice and climate funding, we need the State to put their money where their mouth is.

The 2027 budget woefully falls short of this, and we urge the Senate and Assembly One-House Budgets to fight for what New Yorkers have been asking for loudly and clearly. NYLPI is a member of the New York Renews' Steering Committee, and **we join this coalition's call for \$3 billion, or at least \$1 billion dollars, to be placed into the Sustainable Futures Program.** Our other coalition friends have called for a \$1 billion allocation but while ours is a large demand, what we ask for is but a fraction of the \$6 billion to \$10 billion that a Cap Trade and Invest program – recommended by the Scoping Plan and all but drafted by the Department of Environmental Conservation as of 2024 – would have raised *each year* had the regulations not been inexplicably withheld in January of 2025.

Three billion dollars is a compromise and will do only what is absolutely necessary while the State hopefully moves to issue the legally mandated regulations. The funds will lower New Yorkers'

increasingly unaffordable gas and electric bills, allow tens of thousands of low- and middle-income New Yorkers to prepare and retrofit their homes with clean energy sources, and start the investments we desperately need to grow renewable energy projects so that we can finally wean off fossil fuels that entrap us in a continuing cycle of rubber-stamped rate increases. Treating climate as a bottom tier investment is a mistake because as the budget book acknowledges, climate inaction is the most expensive option. We must continue to meaningfully fund the Sustainable Futures Program to help New Yorkers now, and prevent the most catastrophic of costs, ultimately borne by taxpayers, now and in the future.

To prove the state's commitment to transitioning to a true affordable and healthy climate future, we further **urge you to impart upon the Executive the importance of resolving and settling the litigation surrounding the regulations that DEC was required to have issued in January 2024.** The DEC – working in concert with NYSERDA - designed the Cap Trade and Invest program that could have raised the impressive yearly revenues mentioned above, so we know it is possible. Yet, in whatever ultimate form, the State is refusing to take action to issue regulations. To date, it is blatantly acting in violation of the law that this Legislature worked hard to pass in 2019, and more recently, in blatant disregard of a judicial order affirming this crystal clear, nondiscretionary statutory duty. As advocates who have fought for a clean climate future with our partners, **we respectfully ask you to join us in requesting that the DEC and the Executive work with the petitioners to resolve this otherwise very public dispute.** Now more than ever, we should be standing united in the face of unprecedented federal attacks, not fighting each other.

Ultimately, to reach whatever final form the DEC deems best and based on public feedback in the applicable regulatory process, we urge the Legislature to **support our collective call for DEC to release draft Clean Air Initiative regulations** so that we can move forward and possibly obviate the need to continue to call for disparate sources of funding or persist in lawsuits against the State.

Lastly, we raise two additional concerns for the Environmental Conservation and Energy Committees, and for all of our elected representatives. First, **we urge you and all legislators to stand firm and hold the line in protecting our Climate Law.** When the Supreme Court granted mandamus in the lawsuit and ordered DEC to issue the required regulations, it was disappointing to receive the Governor's public response that instead of following the law, she would weaken it. Allowing this to happen when the State is now our ultimate protector (rather than the federal government) would strip New Yorkers of all trust in our government, not to mention set us back decades in our attempt to ensure a livable future for our children and grandchildren. **We urge you to stand firm and reject any amendments to the budget in this legislative session that attempt to weaken the Climate Law's protections.**

Second, we are deeply concerned about the prospect of weakening and expediting SEQRA review and process. **Any lowering of standards in conducting environmental review must be carefully monitored and measured – and reassessed quarterly – so as to ensure that this is not a slippery slope that ultimately strips much-needed protections on developments less worthy than affordable housing.** In particular, where the Governor has too vaguely indicated that “select renewable

energy projects” may be subject to lowered SEQRA review standards, I urge you to keep DEC and other relevant permitting or oversight agencies in sight and hold them accountable as necessary. Additionally, the Governor has notably articulated a very specific – and short – timeline of two years from the end of any environmental review and final permit, regardless of the complexity of the development and seemingly without exceptions. For a nuclear development, for example, which brings extraordinary implications to not only the siting locality but to all of New York and potentially our state neighbors, not to mention environmental justice communities who will almost certainly have to continue to bear the brunt of nuclear waste, two years for an environmental review could easily be entirely insufficient. Similarly, for data or AI centers, which again have massive implications not only in terms of siting but also on New Yorkers' energy needs and costs, two years cannot be an automatic cutoff if proper analysis requires more evaluation and time. **We need to ensure that lowering our longstanding SEQRA standards in the name of affordable housing does not result in more harm than good, and is not taken advantage of to ram through developments that serve billionaires rather than New Yorkers.**

On behalf of NYLPI and our statewide partners and community members, I thank you for your attention and consideration to the priorities set forth in my testimony herein.

Sincerely,

Caroline Chen
Director, Environmental Justice
New York Lawyers for the Public Interest

About New York Lawyers for the Public Interest

For nearly 50 years, NYLPI has been a leading civil rights advocate for New Yorkers marginalized by race, poverty, disability, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, and comprehensive organizing and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, create equal access to health care, ensure immigrant opportunity, strengthen local nonprofits, and secure environmental justice for low-income communities of color.