



Founders

Vernice Miller-Travis
Peggy M. Shepard
Chuck Sutton

January 28, 2026

Testimony

Joint Committee On Environmental Conservation and Energy

Board of Directors

Chair

Jeff Jones

Re: Joint Public Hearing - to provide legislative committees with public input on the Executive Budget Proposal for Fiscal Year 2026-27

Vice-Chair

Ken P. Mak

Good afternoon, thank you for the opportunity to submit written testimony. My name is Lonnie Portis, the Policy and Legislative Affairs Director at WE ACT for Environmental Justice. Over the past 38 years, WE ACT for Environmental Justice's mission has been to build healthy communities by ensuring that people of color and/or low income residents participate meaningfully in the creation of sound and fair environmental health and protection policies and practices.

Secretary

Nancy Anderson, Ph.D.

Treasurer

Neetin Gulati, Esq.

We're living in precarious times. Republicans in Congress are trying to preempt State leadership. Last week the US House Environment Subcommittee held a hearing on a new bill to weaken the 1976 federal Toxic Substances Control Act (TSCA). They sought to make it more challenging for EPA to adequately review the impacts of new chemicals before they are allowed to be used in the US marketplace.¹ The bill also sought to expand restrictions on states to take action on toxic chemicals based on EPA actions. As our federal government attempts to issue rollbacks on long-standing science-based legislation, they demonstrate how necessary it is that New York State protects New Yorkers. I thank all NYS legislators who joined advocates in pushing back on this effort by signing on to a letter opposing the bill introduction, and urge all of you to continue to pay close attention to TSCA.

Members

Lakeisha M. Aquino
Peter Bokor
David Evans, Ph.D.
Abiola Fasehun, Esq.
Eric A. Goldstein, Esq.
Christy Loper
Sarangi Iyengar
Ken Mak
Marielle Villar
Martiney
Crystal Romeo
Upperman
Margot Brown, Ph.D.
Tamara Toles

Moreover, we are facing a moment in time where greed is driving historic wealth gaps and unaffordability for low-income communities. Since 2022, every major gas utility in the state has raised rates², with costs outpacing inflation fourfold. Current projections suggest federal policy shifts could spike gas costs by 128 percent through 2026³. Today, nearly 14 percent of New York households are two or more

¹ https://d1dth6e84htgma.cloudfront.net/H_R_Discussion_Draft_of_Legislation_to_Modernize_the_Toxic_Substances_Control_Act_1_3f4f956a9a.pdf

² <http://readme.readmedia.com/New-Report-Rising-Utility-Bills-Will-Wipe-Out-Govs-Inflation-Refund-Checks-With-Even-More-Hikes-Expected/20581802>

³ <https://www.investing.com/news/commodities-news/morgan-stanley-expects-natural-gas-prices-to-hit-5-in-2026-4308147>



O’Laughlin
Carlos Talero
Anne Weisberg
Vernice Miller-Travis

Executive Director
Peggy M. Shepard



months behind on their bills, even as the state’s five major investor-owned utilities saw profits surge by 63 percent over the last decade⁴. It is true that cost of living ranks as the top issue for New Yorkers. Our members in Northern Manhattan know the struggle between paying for groceries or the ConEd bill. But the takeaway message should not be that climate action is too expensive. Our membership knows that CLCPA-aligned action is an affordability and reliability strategy for New Yorkers. Efficiency and building upgrades are the most powerful tools to lower bills, reduce emissions, and support grid reliability, especially in environmental justice communities. They also don’t want to be poisoned by toxic chemicals in our products that would likely contribute to a debt-inducing life-altering illness, if they can even gain access to healthcare coverage in 2026.

To address the aforementioned concerns, I would like to focus my comments on the State’s FY 27 budget on the following areas:

1. \$1 Billion for the Sustainable Future Program
2. A Green Affordable Pre-Electrification (GAP) Fund
3. Potential Changes to the State Environmental Quality Review Act (SEQR)

\$1 Billion for the Sustainable Future Program

WE ACT for Environmental Justice is disappointed that the Executive budget fails to renew the state’s historic \$1 billion investment for the Sustainable Future Program (SFP). By neglecting this funding, the Governor is missing the critical opportunity to reduce fossil fuel dependence and increase public health—particularly those in communities of color and low-income, which are disproportionately impacted by emissions from polluting generation sources—to shoulder the health and financial burdens of our energy system.

Continued fossil fuel dependency is itself a public health crisis. The combustion of oil and gas is directly linked to increased rates of asthma, heart disease, and respiratory illness, which disproportionately plague communities of color and low-income – which the state refers to as disadvantaged communities. Through underinvestment, half-measures, and frequent policy reversals, the Governor is surrendering an affordable transition to a cleaner, healthier, and more sustainable energy future to the fossil fuel industry. Without the additional \$1 billion for the Sustainable Futures Program, New York misses a vital opportunity to address the

⁴ <https://renewableheatnow.org/wp-content/uploads/2025/10/NY-Utility-Profits-Brief-1.pdf>



environmental hazards that drive residents into the very healthcare system the Governor is fighting to protect.

With a total state budget of \$260 billion, the \$1 billion we are calling for represents less than one-half of one percent of state spending. It is a modest investment with a massive return – protecting the air our children breathe, reducing the cost of climate disasters, and lowering the energy bills that are crushing New York families. If the Governor can find the resources to shield Medicaid, she must also find the resources to address the fossil fuel dependency that makes New Yorkers sick in the first place.

Securing an additional \$1 billion investment in the SFP is a proven solution that serves as both an economic engine and a public health shield. This funding would deliver 7,400 new, good-paying jobs in the clean energy sector, \$1.5 billion⁵ in total economic activity across the state, and \$685 million in labor income for New York families. Furthermore, renewable energy is faster and cheaper to build than gas infrastructure and provides a necessary buffer against the winter price spikes that force families to choose between heating and medicine. Energy efficiency upgrades and large-scale weatherization are the most direct ways to reduce the indoor air pollution and particulate matter that trigger chronic health conditions.

The Sustainable Future Program has already demonstrated its value, advancing thermal energy networks and accelerating renewable generation projects in its first year. To maintain New York's national leadership on climate change and truly protect the health of its citizens, we urge the Legislature to build on last year's \$1 billion foundation by including continued investment in their one-house budgets. These types of critical resources support projects that improve air quality, create union jobs, help energy affordability, and invest in the infrastructure that helps communities across the state thrive and prioritizes the lives of New Yorkers over the profits of fossil fuel corporations.

Green Affordable Pre-Electrification (GAP) Fund

WE ACT for Environmental Justice requests that the Assembly and Senate to raise the funding for Empower+ from the Governor's proposed \$50M to \$200M and \$200M for the GAP fund:

The GAP Fund addresses home hazards for those who most need it– low-income community members that experience health and safety issues due to lead and/or

⁵ <https://www.greenlineinsights.com/new-york-clean-air-initiative>



mold. These harmful circumstances preclude them from receiving the weatherization upgrades that will lower their energy bills— savings that could have a great positive impact on their household budget.

Remediation and weatherization retrofits can be lifesaving; removing health hazards from the home could protect a child’s developing lungs, or save a medically-vulnerable person from respiratory damage. Energy-efficient homes help families heat their homes affordably each winter, and stay cool in summers- a necessity as our world experiences increasingly-frequent heat waves. These improvements and weatherization and efficiency upgrades are also necessary for whole-home electrification, which brings additional health, safety, and home comfort benefits. As the interventions needed to electrify are often unaffordable, the state must be prepared to assist low-income households and families in Disadvantaged Communities with these hurdles. Without ensuring that communities most at risk during the climate crisis can adapt, we risk not reaching the equity mandates enshrined in the Climate Leadership and Community Protection Act of 2019 or Governor Hochul’s Climate-Friendly Homes commitment. The Green Affordable Pre-Electrification (GAP) Fund addresses these electrification barriers not covered by existing programs by providing funding to fill in these “gaps” to both renters and homeowners. Low-Income households often face the biggest barriers to electrification due to living in older, more affordable, housing stock. Older housing often has higher maintenance needs or pre-existing health hazards like mold, lead, and asbestos. Landlords often neglect proper maintenance without the funds to make improvements.

Since 2010, only 7% of NYSERDA’s small residential retrofits have occurred in NYC, despite the city housing almost half of the state’s population and having over 863,000 1-4 family buildings.⁶ The 2021 Disadvantaged Communities Barriers and Opportunities Report⁷ recommends that administrative agencies “establish people-centered policies, programs, and funding across local, State, and federal governments” as a part of its theme of streamlining program access. Eliminating the overlapping physical and economic structural barriers to these programs is an essential first step to ensuring vulnerable New Yorkers have recourse for cold, drafty, and inadequately heated and cooled homes.

There are massive health and quality of life improvements that come with these pre-electrification retrofits and remediations themselves; removing mold,

⁶ https://prattcenter.net/uploads/0124/1706652850133244/Empower_Brief_Final.pdf

⁷ <https://climate.ny.gov/-/media/Project/Climate/Files/21-35-NY-Disadvantaged-Communities-Barriers-and-Opportunities-Report.pdf>



lead, asbestos, pests, and other hazards can have life-changing impacts for residents, especially children, older adults, and people who are already vulnerable to respiratory issues. Every New Yorker should be able to access the health, financial, and home comfort benefits of a clean energy economy.

Potential Changes to SEQR

In the Governor’s proposed budget, she expressed wanting to cut red tape to build housing. While WE ACT supports the need for more housing, we would want projects to be limited to truly affordable housing. There is a dire affordable housing crisis in New York City. The median New York renter spent 31% of their income on rent in 2024. Only 1.4% of rental apartments are available for rent — including an infinitesimal 0.4% of apartments that cost less than \$1,100 per month. In 2023, only 53% of NYCHA Housing Choice (Section 8) voucher holders — already a small subset of those eligible by income — were able to secure an apartment before their voucher expired.⁸ WE ACT is concerned about any potential expansion of fast-tracking larger projects under SEQR. The scope for projects that get fast-tracked should be narrow and prioritize the needs of low-income communities in New York.

WE ACT co-leads the [The JustGreen Partnership](#) with Clean + Healthy New York. It is a 19-year old coalition of diverse organizations representing New Yorkers across the State to advance environmental health and justice for New York’s people and communities. Our collective work touches on a variety of issues including public health, environmental conservation, environmental health and justice, consumer protection, worker safety and more. Coalition budgetary priorities include:

4. Maintain the Environmental Protection Fund at least at \$425M, with a goal to continue growth toward \$500M annually. Continue investment in Clean Water Infrastructure at \$500M.
5. Ensure NYS Department of Environmental Conservation has sufficient staff capacity to implement the vital laws that protect our environment and public health.
6. The urgent need for NYS leadership on harmful chemicals and materials like PFAS, bisphenols and phthalates, and microplastics

Maintain the Environmental Protection Fund at least at \$425M, with a goal to continue growth toward \$500M annually. Continue investment in Clean Water Infrastructure at \$500M

⁸ <https://www.vitalcitynyc.org/articles/new-yorks-housing-crisis-self-inflicted-and-solvable>



Given the federal shift away from concern for the environment, investments by New York State to meet our State Constitutional rights to clean air, clean water, and a healthful environment are more urgent than ever. Given the State's fiscal position and threats of further federal budget cuts reflected in the Governor's proposed FY27 budget, we strongly support maintaining at least \$425M for the Environmental Protection Fund, with the goal of building the fund, which has had an incredibly positive impact on the entire state, to \$500M. Additionally, maintaining at least \$500M for Clean Water Infrastructure is essential to environmental health, including lead service line replacement.

Time and again we see the environmental, social, and economic benefits from the work undertaken with funding from the state's Environmental Protection Fund. As currently funded, the Environmental Protection Fund (EPF) supports 350,000 jobs across New York in a broad spectrum of industries and adds \$40 billion to the state's economy every year.

You can learn more about the impact of the Environmental Protection Fund at

<https://www.cleanwaterandjobs.org/epf>

Increase Funding for Children's Environmental Health to \$5M

Childhood environmental exposures are an essential priority among the primary goals of environmental protection and should remain an important component of the Environmental Protection Fund. They cost New York families nearly \$4.35 billion per year in medical costs.

New York State established the NYS Children's Environmental Health Centers in 2017 and they are known as NYSCHECK. A network of seven centers in Albany, Buffalo, Syracuse, Rochester, Westchester, New York City, and Long Island. NYSCHECK centers prevent, diagnose, and treat environmental health conditions during pregnancy, and throughout infancy, childhood, and adolescence. The centers provide clinical services to diagnose and treat illness due to environmental exposures, as well as provide consultation to other healthcare providers treating patients. NYSCHECK also helps educate and train pediatric primary care and subspecialists to incorporate environmental health screenings into routine care, and help educate the community on ways to prevent and mitigate exposure.

All seven NYSCHECK Centers provide environmental health screening, counseling and referral in a range of clinical settings (General Pediatrics, Pediatric



Pulmonary, Pediatric Allergy and Immunology, School-Based Health, and Pediatric Inpatient Services). New York State is currently the only state in the U.S. systematically integrating children’s environmental health into routine well child care in this way. Through these collaborative efforts across the seven Centers, NYSCHECK serves as a sustainable, scalable, and evidence-based model for expanding access to environmental health services and expertise at the state level.

Enhanced funds will sustain and augment statewide access to vital expertise and precision clinical assets that prevent, diagnose, and treat environmental triggers of disease and other health threats stemming from exposure to air, water, and soil contaminated by uncontrolled industrial emissions, decaying infrastructure, substandard housing, and adverse climate effects. As an example, past additional funding was critical to their ability to rapidly respond to community concerns about air quality during Canadian Wildfires.

The increase to \$5 million is urgently needed to expand an environmentally competent public health workforce and to further address essential service gaps identified by New York State Department of Health: bringing environmental health services to rural and low-income communities and increasing collaborations with New York State Lead Resource Programs around screening and prevention of childhood lead poisoning. NYSCHECK makes a significant impact. These figures are from their 2023-24 Progress report:

- Over 92,000 services provided to families.
- Nearly 42,000 consultations to families.
- Nearly 10,000 health care physicians attended educational events.
- Over 350 students participated in NYSCHECK educational sessions.

You can learn more about the NYS Children’s Environmental Health Centers (NYSCHECK) at nyscheck.org.

Support the NYS Pollution Prevention Institute and Interstate Chemicals Clearinghouse

The New York State Pollution Prevention Institute (NYSP2I) gives New York businesses, communities, and nonprofits the practical tools and solutions they need to realize the benefits of sustainability for our economy, environment, and our



society as a whole by preventing pollution instead of mitigating its harmful effects. NYSP2I launched in 2008 on the campus of Rochester Institute of Technology (RIT) through funding by Empire State Development (ESD), and is now a collaboration of five research universities and manufacturing extension partnerships (MEPs) across New York. NYSP2I gives organizations registered with the state the information, resources, and solutions they need to have a more positive impact on our environment.

They bring critical expertise to New York companies and organizations with solutions for:

- more efficient use of energy, raw materials, and water through sustainable processes and technologies
- optimized manufacturing processes that generate more business value
- elimination of hazardous materials for safer workplaces and communities
- competitive market positioning as part of the green economy and by supporting a commitment to environmental stewardship
- adoption of Green Chemistry Principles for sustainable and safe product development.

They have been crucial technical partners to the NYS Department of Environmental Conservation in understanding where and how PFAS (per and polyfluoroalkyl substances) are used by businesses in New York State and they have worked with companies to switch to safer alternatives, creating case studies that can be used by others in the same sector. They have also been essential partners in efforts to curb food waste, and have gone beyond their initial mandate to work with companies to go beyond regulatory compliance to take on separate funding for helping small businesses comply with challenging laws.

We strongly support funding for the Pollution Prevention Institute, starting at a floor of \$4.6 million as allocated last year and proposed by the Governor this year. However, we reiterate our call from last year that the Senate and Assembly to consider increasing funding to the P2I focused specifically on PFAS in manufacturing, specifically in the industries that are just now breaking ground to



construct new chip manufacturing facilities. There are many currently unavoidable uses of PFAS in technology manufacturing, and also no laws regulating PFAS as a class in waste water or air emissions, leaving no protections for communities in which these facilities operate. We have an opportunity to prevent another round of poisoned communities by working to eliminate the uses of PFAS for which safer, effective solutions exist, and NYSP2I could play a critical role in this, helping ensure the design of the facilities incorporates these solutions and would have the capacity to adapt to PFAS-free solutions as they are developed in the future.

Providing an additional \$1M, ideally with matching language that would require it be spent on PFAS alternatives, would be a wise investment for our state's health and economy. We know that the cost of cleaning up PFAS – especially because they are harmful at incredibly low concentrations (in the parts per trillion) – far outstrips the economic benefits accrued by the PFAS industry. This is why the NYS P2I was created: to help companies reap the economic, health, worker, and environmental benefits of preventing harm.

We also strongly encourage legislative action to set air emissions limits and to at the very least require testing for PFAS in waste water coming from NY's manufacturers in the 2025-26 legislative session. You can learn more about the NYS Pollution Prevention Institute at <https://www.rit.edu/affiliate/nysp2i/>

Interstate Chemicals Clearinghouse

Within the NYSP2I line in the EPF is funding for the Interstate Chemicals Clearinghouse (IC2). This little-known entity connects state, local, and tribal government agencies working to address toxic chemicals, allowing NYS to leverage work in many other states on assessing alternatives to toxic chemicals, understanding chemicals in commerce, taking action to prevent harm from PFAS, green procurement, and by hosting databases, like the one that will host NYS's mandated data on toxic chemicals in children's products, which saves all participating states money through centralized infrastructure. Just as in the previous Trump Administration, the IC2 operates as a nationalization of action to move away from toxic chemicals through the efforts of states like New York. Our state's funding of this program is essential, and we look forward to seeing it continue. You can learn more about the IC2 at www.theic2.org.

Codify funding for the Center for Sustainable Materials Management with \$3.25M



The Center for Sustainable Materials Management, is a relatively recent center created by the Department of Environmental Conservation using funds from the Environmental Protection Fund. Housed at the State University of New York College of Environmental Science and Forestry, and in collaboration with Syracuse University, the Center for Sustainable Materials Management (CSMM) is working to bring together people and organizations to innovate the way we manage materials in New York. They are preparing a NYS Recycling System Needs Assessment, promoting waste reduction and product stewardship, advancing closed-loop, responsible purchasing (including supporting the ongoing upgrades to the state’s green procurement program), expanding recycling markets, and conducting research. They partner with Alfred University Center for Glass Innovation, Stony Brook University, and University at Buffalo. Funding for both the NYS P2I and the CSMM positions New York State to fully engage in building the private and public infrastructure needed for a nontoxic, circular, regenerative economy. We urge the Senate and Assembly to include a specific line for the Center for Sustainable Materials Management in the Environmental Protection Fund for \$3.25 million. You can learn more about the Center for Sustainable Materials Management at <https://www.centerforsmm.org>

Increase staffing levels at the NYS Department of Environmental Conservation to ensure sufficient capacity to implement the vital laws that protect our environment and public health

Despite some recent growth, the Department of Environmental Conservation remains an agency with depressed staffing numbers, having never recovered from cuts in the early 2000s and in response to the financial crisis in 2008. Additionally, the State has recognized the need for the DEC to take action on toxic chemicals beyond just addressing pollution present in the outdoor environment, and while the staffing in that program – the Division of Materials Management and specifically the Pollution Prevention Unit, they do not have adequate staff to carry out their obligations under the nation-leading policies this legislature has passed in recent years. For example, they have still not released draft regulations for the disclosure of toxic chemicals in children’s products, despite a deadline for implementation of 2022.

Therefore, we have the following recommendations: Focus infrastructure funding to ensure local municipalities and water systems that serve at-risk communities have funds to test and filter PFAS and other emerging contaminants.



- Add \$2.4 million for staffing of the Division of Materials Management; and expanding staff in the Pollution Prevention Unit (P2 Unit) to implement existing laws. The P2 Unit implements critical environmental health and justice policies like the Toxic Chemicals in Children's Products law, the Family and Fire Fighter Protection Act, and other laws requiring regulation of toxic chemicals in products sold in NYS.
- Continue \$250,000 funding for product testing in line with above mentioned existing laws.

Urgent need for action on PFAS in New York State

The Governor's commitment this year to address landfill leachate also exposes the uncomfortable truth: there is no landfill in the state that does not contain toxic waste.

The DEC's testing of biosolids reveals an additional uncomfortable truth: sewage sludge is toxic.

And NYS DEC's recent rural soil sampling report tells us what many suspected: PFAS is everywhere. Companies have dumped so much PFAS into our environment, that nearly every single soil sample contained one or more kind of PFAS. Current test methods only cover 40 kinds of PFAS, so we do not actually have the full picture of PFAS contamination in our state. We are simply scratching the surface.

DEC appears to intend to use this as a basis for setting remediation levels. But why? It takes so little PFAS to disrupt the human body that drinking water standards are set in the parts per trillion. Addressing PFAS, "forever chemicals," differs from the state's previous challenge with the original forever chemical, lead, in that PFAS is not naturally occurring. Humans - via manufacturing corporations - created and distributed it so widely that even pristine places like the Adirondacks have PFAS falling into their lakes and streams in the rain.

The only solution for long-term protection of New Yorkers from PFAS is to turn off the tap.



We have been glad to see that the NYS Department of Conservation is taking the environmental health threat of PFAS seriously, including releasing a summary report of its efforts over the past decade, consolidating information about PFAS

Sincerely,

Lonnie Portis

Policy and Legislative Affairs Director

646-866-8720

lonnie.portis@weact.org