



TESTIMONY OF LESLIE WRIGHT, NY STATE PROGRAM DIRECTOR,
NYS JOINT LEGISLATIVE HEARING ON THE FY 2010-11 EXECUTIVE
BUDGET PROPOSAL, ENVIRONMENTAL PROTECTION FUND,
JANUARY 26, 2010

The Trust for Public Land (TPL) is a national non-profit organization whose mission is to conserve land for people to enjoy as parks, gardens and other natural places, ensuring livable communities for generations to come. Since 1981, we have completed over 200 projects and protected nearly 125,000 acres in the State of New York. In the Hudson Valley, we have completed 61 projects and saved more than 50,000 acres. In New York City, TPL has completed 46 projects protecting nearly 620 acres.

From the 18,000-acre Sterling Forest just north of New York City, to Woodlawn Beach outside Buffalo, to the Long Island Sound shorefront, to the Tremont Garden in the Bronx, TPL helps communities protect vulnerable landscapes and give New Yorkers and visitors alike places to visit and recreate. The Trust for Public Land works hard to preserve land in cities, suburbs, and rural or wilderness areas.

These successes would not be possible without a strong partnership with the State of New York through the Environmental Protection Fund (EPF). Here are just a few examples of TPL's successful land acquisition, community garden and park projects in New York City that relied upon EPF funding:

- **Mount Loretto: 194 acres on the south shore of Staten Island, protected with \$25 million in EPF funds over three years from 2000-2002**
- **East River State Park: 6 acres along the East River waterfront in Williamsburg Brooklyn acquired for \$8.3 million with EPF funding in 2002**
- **NYC Community Gardens: multiple EPF grants enabled TPL to make improvements to 37 community gardens acquired from the City of New York, and to purchase a key parcel as open space for the neighborhood**

Other notable TPL projects that relied upon EPF funding include the 17,000-acre Sterling Forest; 2,500 acres on the Shawangunk Ridge (Awesting), 51,000 acres of working forest and recreational land in the Adirondacks (Grasse River Forest); and 533 acres of beachfront, forest and farmland on the north fork of Long Island (Jamesport State Park).

However, the work to preserve New York's critical land and water, and to ensure that all residents have access to high-quality parks and gardens is far from complete. Of New York's 30 million acres, only approximately 5.6 million are protected, leaving 81 percent developed or vulnerable to development. Despite lagging other states in population growth, New York has seen extensive development, even in areas once considered too remote from urban centers. Currently, the rate of development increase outpaces population increase by a three-to-one ratio. That development comes with enormous costs

in the forms of congestion, pollution, deteriorating water quality, and reduced quality of life.

New York City has beautiful parks, but too few are in the city's low-income neighborhoods. According to the City of New York Department of Planning, in 16 of the 18 lowest income Community Board Districts residents have less than the common urban open space standard, which is 2.5 acres of open space per thousand residents. The need for playgrounds and parks is most acute in low-income, high-density neighborhoods where children have few recreational alternatives. Fewer than half of New York City's public elementary schools have usable playgrounds for the 628,000 students they serve. Many schools have little more than barren asphalt lots for play areas.

With 578 miles of shoreline, New York City is surrounded by water, but public access is often blocked. The remains of industries that no longer require water for manufacturing and transportation act as barricades. TPL is committed to creating new recreational access and new parks along the city's many waterways.

Meeting these pressing needs will be impossible without continued and reliable funding to the Environmental Protection Fund, including funds for Open Space Land Acquisition. For these reasons, The Trust for Public Land is very concerned about the Executive Budget Proposal for the Environmental Protection Fund for FY 2010-11 that has been submitted for your review. We applaud the State Legislature's long-standing commitment to the EPF and appreciate the opportunity to comment on the Executive Budget Proposal. We offer the following specific comments:

- **TPL urges the Legislature to restore the EPF to at least \$222M, the funding level in the originally adopted FY 2009-10 budget. Under the EPF Enhancement Act, EPF was to be funded at \$300 million in FY 2010-11.**
- **TPL strongly opposes the proposed elimination of funding for Open Space Land Acquisition, and the proposed moratorium on state land acquisition in the Executive's budget. We urge the Legislature to restore funding for land acquisition to at least \$60 million (FY 2009-10 adopted level) and ensure the state's land acquisition program moves forward to capitalize on land acquisition opportunities presented by the current real-estate market.**
- **TPL requests that the Farmland Protection Program be restored to \$23 million (FY 2009-10 adopted level), and that funding for the Conservation Partnership Program be maintained at \$1.575 million.**
- **TPL urges that funding levels be restored to at least FY 2009-10 adopted levels for Waterfront Revitalization, Municipal Parks and the Hudson River Park to help address the needs identified in New York City.**

- **TPL does not support offloading programs normally funded through the General Fund or other revenue sources into the EPF and adding new categories to the EPF without providing new funding to support them.**
- **TPL urges the Legislature to include a plan in the FY 2010-11 budget to pay back the \$497M that has been swept from the EPF in recent years.**

Maintaining strong and reliable funding to the Environmental Protection Fund, including land acquisition, is a critical and wise investment in the quality of life of current and future residents of New York, and the economic sustainability and vitality of our state. We appreciate the opportunity to register our serious concerns with the Executive Budget Proposal for the Environmental Protection Fund in FY 2010-11, and to offer our recommendations to the Legislature on restoring adequate funding to EPF in order to meet pressing needs for open space, clean water and high-quality, accessible parks throughout the state.



Providing Today, Protecting Tomorrow

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Testimony to Legislature on Joint Public Hearings for the 2010-2011 Budget: Environmental Conservation

The New York Association of Conservation Districts (NYACD) is a nongovernmental, nonpartisan, volunteer organization with over 50 years of experience of representing New York State's 58 Soil and Water Conservation Districts (SWCDs), including the 5 boroughs of New York City. The SWCDs are authorized under state law as local natural resource management entities, are implementation based, and non-regulatory. SWCDs serve urban, suburban, and rural landowners and their communities from the eastern tip of Long Island, north to the St. Lawrence River Valley, all the way to the shores of Lake Erie.

NYACD appreciates the opportunity to address issues regarding the funding of the Environmental Protection Fund (EPF), as the funding for most of the core programs, both ag and nonag, implemented by the Districts, comes from EPF funding categories.

Reimbursements to Districts

In 2008, SWCDs provided over \$11 million in reimbursable technical services to NYS. This figure is expected to increase this year as SWCDs have become the primary local service provider for many state natural resource conservation programs, for local governments, agriculture and nonagricultural landowners, and public infrastructure.

At the \$3 million level, each District will receive approximately \$48,000, and be reimbursed by the state under SWCD Law Section 11a.b & c. Each Conservation District meeting the eligibility requirements could receive up to \$100,000 in state funding annually, at a \$6.2 million level. Increased funding for District reimbursement would allow growth for District capacity to further develop, while delivering technical support and assistance to the State of New York, local governments, agricultural and non-agricultural landowners. Ultimately, these dollars are necessary to continue to build capacity at the local level to support current and future program goals.

- **SWCDs are workforce multipliers** – investment in the Districts allow them to not only maintain the current supply of technically trained employees, it would also create additional job opportunities to address the growing needs of water quality and natural resource projects. SWCDs also work with local contractors, engineers, and many other businesses in their local communities, to fulfill project needs.
- **SWCD funding attracts numerous outside funding sources**, such as federal Farm Bill monies, and targeted watershed programs such as Chesapeake Bay, Great Lakes Initiative, Lake Champlain, Hudson River, which multiplies the impact of the original investment. In most instances, outside funding sources require a match of funds, and without investment in SWCDs, these matching funds will not come to New York State.

Funding to SWCDs must at minimum, remain intact for 2010-2011, however, increasing reimbursement will allow SWCDs to build capacity and be able to provide the necessary technical support needed to implement mandated programs that will protect natural resources and human health for New York's residents. Building capacity means building jobs for skilled technicians in communities throughout the state.

Agricultural Non Point Source Grants

Applications for Round XV (FY 08-09) of the Agricultural NPS Abatement and Control Grants program exceeded \$24 million. Historically, requests have always exceeded available funds and requests are predicted to multiply as many CAFO sized operations continue to request resources to implement Best Management Practices (BMPs), and as medium sized farms are now mandated to become CAFO compliant under the State's new CAFO regulations.

Using a competitive selection process, this funding would provide necessary resources to Conservation Districts to assist the agricultural community with development of comprehensive farm plans and implementation of BMP's as prescribed through the state's flagship Ag Environmental Management (AEM) Program. Additional components of this program include non-competitive AEM planning grants, which currently provide up to \$75,000 annually to Conservation Districts.

TESTIMONY TO THE JOINT BUDGET COMMITTEE
ON ENVIRONMENTAL CONSERVATION

January 26, 2010

Good afternoon. Chairmen Farrell and Kruger, and members of the esteemed joint budget committee, thank you for the opportunity to speak to you today regarding Governor David Paterson's proposed 2010-11 Executive Budget. My name is Bob Grems, and I am the Second Vice President of the New York State Association of Agricultural Fairs, representing the 55 fairs in our great state. I am also the General Manager of the Dutchess County Fair in Rhinebeck where we annually attract upwards of 400,000 fair fans to our six day event in late August. I am here to speak to you today about the role that agricultural fairs play in New York and why, I believe so strongly, that we need and deserve your help.

I have some numbers and statistics for you this afternoon but, I would like to begin by telling you a little bit of my story and why I feel it qualifies me to sit before you here today. I grew up directly across the street from the Oneida County Fairgrounds in Boonville. Except perhaps for Christmas, fair week was always the best week of the year for me. I loved the fair, every aspect of it from the cattle tents which were the first thing I saw out my picture window, to the carnival rides, games, and food. As a kid, nothing was more exciting than fair week with the auto thrill shows, horse pulls, and demolition derbies. At a very early age, I learned the true essence of the county fair. My mom, a career school teacher made the county fair her summer job. She probably prepared more than a hundred different entries; everything from jams and jellies, pies and cakes, to fresh floral arrangements with flowers right out of her garden. Right now, thousands of 4-H children across this great state are already thinking about which calf, which steer, which grooming techniques will work best for their annual pilgrimage to the county fair. These are our future farmers who will be charged with the duties and responsibilities of feeding us in our old age as well as the next generation.

County fairs touch us in the most basic ways. This summer will mark the 200th Anniversary of County Fairs in America. Many of the fairs in New York are well over 150 years old. Sometime after recovering from the Great Depression, we became a "throw-away society." We seem to discard anything and everything with little thought or concern. Our county fairs have endured for a reason. Just as they always have, they fulfill a need. They are social functions of great importance for the Aftons and Trumansburgs, the Baths and Boonvilles of our state. If it is true that agriculture is still our number one industry in New York, I believe our county fairs are our best forum for promoting agriculture. Ag and Markets Commissioner Pat Hooker seems to agree. Speaking to a Zone Meeting of the International Association of Fairs and Expositions last April in Syracuse, Commissioner Hooker said, "Our fairs are the single best way to connect the public with agriculture. I don't know where we would be without this focus on agriculture."

recent year, statistics provided by Ag & Markets revealed that total receipts for our fairs were reported at \$25,492,540. Disbursements totaled \$25,291,315. After that year's total fair season, from July 4th through Labor Day, all of our fairs collectively got to hold onto approximately \$200,000.00. Split 54 ways, that does not leave much for each fair.

The premium money that the state has been giving fairs represents approximately \$8,000.00 to each fair, annually. Our larger fairs might be able to overcome the loss of this state assistance. However, for the 8 youth fairs and 20 to 30 very small county fairs, this help is critical. Quite possibly, not receiving this reimbursement might mean the difference between continuing one hundred fifty plus year old traditions in small town New York and not. If the investment we are asking that you consider restoring today is \$453,000 and our fairs in a recent year generated receipts of over \$25,000,000, I hope that you will agree that it represents a pretty good return on the investment.

County fairs remain one of the last critical linkages between our agricultural heritage and today's urban based society. The agricultural exhibits, activities and programs during fair week are the only opportunities for the vast majority of non-farm families to learn and appreciate their connection and relevancy to today's agricultural world. Despite the fact that we have an agricultural heritage within most all of our families, the generational distance from our farming roots is growing longer and further apart. Therefore, county fairs play a critical educational role that must continue for the betterment of our society.

The fiscal year 2010-11 Executive Budget as proposed will greatly impede county fairs from executing their mission to educate the non-farm public. The elimination of \$453,000 for premiums for winners of agricultural exhibits will substantially curtail the ability of county fairs to offer exhibits and programs that entice individuals, primarily youth between the ages of 9 and 18, to compete for recognition of excellence in their various classes and categories. Therefore, the numerous events and programs that provide education to the non-farm public would decline or become non-existent due to the inability of county fairs to provide financial incentives for the many hours of hard work and practice necessary to encourage competition. In addition, elimination of state premium dollars will directly impact 4-H and FFA programs, cattle clubs and home bureaus; all of whom depend on the state funded premiums to incentivize participation and offset costs.

Last spring I attended the year end awards dinner for the Pine Plains FFA down in Dutchess County. As I walked down the corridors of the high school, locker after locker featured pennants announcing the colleges the graduating seniors would be attending in the fall. I could not help but think about the great connection agriculture has to who and what we are and have become as a people, as a society. We are all too aware of the shocking drop-out rates in our nation's city schools. Here was a small rural community not unlike many in our state, whose rates are not so alarming. The young people have remained close to the land, know what it is to be committed to something important, something more than and beyond just themselves. I think we can all agree that there still is not today, a more noble profession than that of family farmer. And, it's at our county fairs that for 200 years, our farmers have continued to showcase and shine.



Testimony for the Joint Legislative Hearing on the 2010-2011 Executive Budget

Presented by Bobbi Chase Wilding, Organizing Director of Clean New York

January 26, 2010

Introduction

Good Afternoon. Thank you for the opportunity to submit testimony about the Environmental Conservation portion of the 2010-2011 proposed Executive Budget. My name is Bobbi Chase Wilding, and I am the Organizing Director for Clean New York. Today, I am submitting testimony for Clean New York and on behalf of the JustGreen Partnership, a statewide collaboration of over 50 groups that Clean New York co-coordinates.

Organization Background

Clean New York is a state-level environmental health advocacy organization. Our mission is to achieve broad policy and market changes that create a sustainable economy while protecting our families, our health and the environment from toxic chemicals. We accomplish our mission through advocacy, education and collaboration. For example, we co-authored the recent national report *Hazardous Chemicals in Health Care: A Snapshot of Chemicals in Doctors and Nurses*, which tested health care professionals in ten states around the country, including Barbara Crane, CCRN and Cathey Falvo, MD here in New York State. We test toys as part of each year's release of HealthyStuff.org – a database of thousands of toys and other products tested for dangerous chemicals. We advocate for policies that eliminate the use of dangerous chemicals in products, especially those that affect children's development and health. Our staff members serve on a variety of government-appointed taskforces and advisory boards, including the Taskforce on Flame Retardant Safety, Pollution Prevention Institute Advisory Board, and the Petroleum Bulk Storage Advisory Board. We work collaboratively with colleagues across the country and around the globe to create a world in which all children are born free from toxic chemicals in their bodies.

Clean New York, along with WE ACT for Environmental Justice, co-coordinates the JustGreen Partnership (see www.just-green.org), which works for environmental health and justice for New York's people and communities. JustGreen is a statewide collaboration of over 50 organizations, including NYPIRG, NRDC, Environmental Advocates, Sierra Club, Learning Disabilities Association of New York State, New York State Nurses Association, New York State United Teachers, United Steel Workers, Huntington Breast Cancer Action Coalition and other breast cancer, health-affected, environmental justice and labor organizations. The JustGreen Partnership is the coalition that represents New York to the national SAFER campaign (see SaferStates.org), which seeks state-level change as the laboratory and driver of broad federal chemical policy reform.

Continue the New York State Pollution Prevention Institute. We were pleased to see an increase recommended in the Governor's budget for the NYS Pollution Prevention Institute, and fully support this increase from \$1M in last year's approved budget to \$1.65 million in FY 2010-11. Over the past two years, the P2I has played an important role in helping numerous companies across the state find innovative ways to cut costs and reduce their reliance on toxic chemicals. Companies must make changes to remain competitive in the US, where demand for less-toxic products is skyrocketing and government regulations are responding, and around the world, where laws such as European Union's REACH – Registration, Evaluation and Authorization of Chemicals – are rapidly outstripping our own in terms of providing real protection from hazardous chemicals.

The New York State Pollution Prevention Institute is uniquely suited to help companies eliminate toxic chemicals in their processes and products, dramatically cut their waste streams and save energy. Unlike similar institutions in other states, the "P2I" leverages expertise in no fewer than four of our state's academic institutions, and has the ability to reach companies throughout the state through its partnership with ten existing Regional Technology Development Centers. Below, we will again recommend increasing fees on hazardous waste generation, both to raise revenues *and* to disincentivize reliance on dangerous chemicals. The Pollution Prevention Institute offers the mechanism for companies to decrease their costs by finding safer and healthier ways to do business – an ideal approach at a time when keeping businesses in New York State is critical to the economy and to the State's fiscal health. Funding for the Pollution Prevention Institute is a top priority for the JustGreen Partnership.

Support the Interstate Chemicals Clearinghouse³ - a partnership of states that promotes a clean environment, healthy communities, and a vital economy through the development and use of safer chemicals and products. The IC2 fosters collaboration among states to:

- avoid duplication and enhance efficiency and effectiveness of state initiatives on chemicals through collaboration and coordination;
- build each state's capacity to identify and promote safer chemicals and products;
- ensure that states, businesses, and the public have ready access to high quality and authoritative chemicals data, information, and assessment methods.

In the past year, much work has gone into designing an effective database, formalizing governance structure for the IC2 and developing accessible materials. Agency staff members from more than 10 states are collaborating on bringing the IC2 to life, and building on state-mandated evaluations of chemicals in states like Maine, Washington, Minnesota and California. As New York considers how best to protect the health of its people from the dangers posed by widespread use of toxic chemicals in everyday products, the IC2 can play a critical role in reducing the staff time and resources required within the Departments of Environmental Conservation and Health to assess dangerous chemicals and their alternatives.

The reappropriation from last year's budget for unused portions of the IC2 line item, coupled with ongoing inclusion of funding for the IC2 are critical for ongoing success and New York State's

³ This Clearinghouse is housed at the Northeast Waste Management Officials' Association. Other states participating in the planning phase include California, Connecticut, Main, Massachusetts, Michigan, Minnesota, New Jersey, Oregon and Washington.

Many of the fees on hazardous waste generation and transport have not been increased in decades. For example, the Special Assessment for hazardous waste disposal has not increased since 1985, but inflation has gone up 99.4%⁵. That means that companies dumping hazardous waste have experienced a *de facto* discount – now paying only roughly half of the value of the original assessment. Other fees, such as those for treatment, storage and disposal fees haven't changed since at least 1991⁶, although since then, we have experienced inflation of roughly 58%. Simply adjusting existing fees for inflation would bring them back in line with their original intent, create greater incentives for transitioning to safer processes and products, and raise revenue for the State. Increasing these fees makes sense as an augmentation of last year's adjustments of Title V air permit and State Pollution Discharge Elimination System (SPDES) water discharge permit fee increases.

We also support creating parity in fees between in-state generators of hazardous waste and those who transport waste in from other states. Currently, out-of-state hazardous waste is not taxed at all, resulting in taxes collected for a mere roughly *one percent* of the hazardous waste landfilled in New York State. Requiring tax parity for out-of-state waste could generate an estimated **\$12 million of new revenue into the state** over the next four years.

Conclusion

New York's most valuable asset is its long-term sustainability. By taking action to ensure this year's budget provides disincentives for polluting, assistance with transitioning to safer chemicals and processes and resources for children impacted by environmental contamination, you can help ensure a healthy legacy for this state. And by maintaining the Environmental Protection Fund and its historic funding sources, you can ensure that the broad array of critical environmental programs continue to provide New York with protection of our greatest asset.

⁵ Inflation calculated through <http://www.usinflationcalculator.com/>

⁶ Dates are based on information on DEC's website about each set of fees. For example, see <http://www.dec.ny.gov/chemical/9099.html>.