



**Testimony of Bobbi Wilding
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**Before the New York State Joint Legislative Hearing on
Environmental Conservation Budget**

To Discuss the New York State 2023-24 Proposed Executive Budget

**Hearing Room B
Legislative Office Building
Albany, New York**

Tuesday, February 14, 2022

Thank you for the opportunity to speak with you today on the NYS Budget. My name is Bobbi Wilding, Executive Director of Clean+Healthy (formerly Clean and Healthy New York). Our mission is to build a just and healthy society where toxic chemicals are unthinkable. We co-lead, with WEACTION for Environmental Justice, the JustGreen Partnership, a sixteen year old coalition of health, environmental justice, environmental health, labor, sustainable businesses and others working for environmental health and justice for New York's people and communities.

My comments today are focused on having New York State play a leadership role on this coming transition through budget choices made for FY 2023-24 NYS Budget and beyond.

At the highest level, we urge the following:

- Support for 231 additional staff at the NYS Department of Environmental Conservation, and strong recommendation that more than one be placed in the Pollution Prevention Unit of the Division of Materials Management,
- Support the \$400M Environmental Protection Fund,
- Strengthening the Governor's Waste Reduction and Recycling Infrastructure Act (Part QQ) in line with Senator Harckham's Packaging Reduction and Recycling Infrastructure Act, S. 4246 – especially the inclusion of robust restrictions on toxic chemicals in materials intended to circulate in perpetuity.
- Integrate funding to improve low-income homes for clean energy/climate preparedness with lead remediation by taking a holistic approach.
- Recognize that the fossil fuel industry provides the significant feedstocks for plastic and toxic chemical production

WHAT'S AT STAKE

The widespread use of chemicals that cause or contribute to human health harms like cancer, asthma and other respiratory problems, learning disabilities and other cognitive problems, diabetes, infertility and reproductive organ dysfunction often flies under the radar until a particular chemical or class of chemicals – like PFAS – is recognized for contaminating the environment through air and drinking water. This year, the budget reflects the need to spend millions and ultimately billions to address the harm that happens when poor choices in the design of materials in products, and manufacturing processes are followed to their logical out-in-the-environment conclusion. As the old saying goes, “a stitch in time saves nine” – and in the case of toxic chemicals, those environmental cleanup costs, coupled with the untold financial and social costs of people whose health is harmed from toxic chemicals, far exceed the costs of insisting that the design of processes and products are as benign as possible.

In recent years, New York State has been a leader in taking action to “turn off the tap” on toxic chemicals, especially with the Family and Fire Fighter Protection Act and the series of laws restricting PFAS in products ranging from fire fighting foam, food packaging, and apparel, but much remains to be done. We need further action to limit toxics in our lives and communities, and we need to ensure that as we offer financial incentives for economic development, that this new development is done in alignment with our value of healthy communities.

Americans agree. According to a poll released last year by UCSF and Lake Research Partners, the public is strongly supportive on action to address toxic chemicals:

- 93% agree (57% strongly) that it is **important to remove harmful chemicals from where we live, work and go to school** even if it increases the costs for some products.
- 92% of voters agree and 63% of voters strongly agree that the **government should require products be proven safe before companies are allowed to put them on the market.**

New York is frankly hampered by the lack of funding for staff within the Pollution Prevention Unit, as I'll discuss below. Other states, like California and Washington, have invested in state programs that can assess chemicals and products and are more able to implement and enforce policies that protect their residents from toxic chemicals.

NYS DEC NEEDS ADDITIONAL STAFF

We support the Governor's budget proposal of an increase in staff at the NYS Department of Environmental Conservation of 231 staff. We note that the Black Puerto Rican, Hispanic, and Asian Legislative Caucus includes a return to 3,300 staff at DEC in their People's Budget, and that the Governor's budget exceeds this. We believe that this is a necessary and significant step to return to adequate staffing closer to 4,000.

It is essential that some of these, in addition to adding capacity for climate change programs and packaging, be allocated to Pollution Prevention Unit.

Specifically, to address knowing about and acting on toxics in industry and daily products, we urgently urge increasing staff for the Pollution Prevention Unit of the Division of Materials Management, which now has significantly fewer staff than its previous 35 staff members, even as it has been tasked by the Legislature with implementing important child- and public-health measures such as the Toxic Chemicals in Children's Products law (also known as the Child Safe Products Act), cleaning product ingredient disclosure and more. At its current funding level, P2U will not be able to fulfill its duties under these important laws, leaving children and consumers in harm's way. This part of DEC has become an ever-more-frequent go-to source for research on toxics, food waste, and other critical pollution issues facing the state, but it has not been adequately resourced to do this work.

SUPPORT FOR A \$400M ENVIRONMENTAL PROTECTION FUND

We support funding the Environmental Protection Fund at \$400M total this year, on a path to reaching \$500M. We especially support the following line items:

- **Support for the Governor's proposed addition of \$25M in combined Environmental Health and Environmental Justice lines.**
- **Support for increased funding for the Pollution Prevention Institute (P2I) and Interstate Chemicals Clearinghouse (IC2) to \$4.6M**, above the Governor's proposed static \$4M overall and \$100K to the IC2. New York State counts on both of these organizations to address environmental health issues, particularly toxic chemicals. The **NYSP2I** has taken on increasing research responsibilities for safer solutions to fluorinated firefighting foam, scoping the problem of food waste, as well as their overarching mission of working with New York businesses to prevent pollution well beyond legal requirements.

The **Interstate Chemicals Clearinghouse** has developed the technical infrastructure to collect chemical content information for products, which streamlines reporting for companies when multiple states request it, and makes it easier for states to implement disclosure requirements because they don't have to develop independent databases. In recent years, New York has enacted nation-leading laws that benefit from the IC2's capacity, and the organization needs an increase in resources from our state to robustly support the implementation of our laws.

- **Support increased funding for the Children's Environmental Health Centers at \$5M.** These centers, located from Buffalo to Long Island, provide critical support to pediatric practices to identify, treat, and prevent diseases with environmental origins. They have proven themselves over the past five years, and increased funding would enable them to widen their circles of influence to support more pediatric health care professionals having the knowledge and tools to address children's environmental health concerns.

Unfortunately, Governor Hochul is proposing to pay for some of her proposed new DEC staff out of the Environmental Protection Fund. Clean+Healthy encourages both houses to reject this proposal, as it has when prior Governors have made this attempt, as the EPF was never intended to pay for

state agency staffing.

PACKAGING: WASTE REDUCTION, RECYCLING and REDUCING TOXICS

Clean+Healthy supports a strong program for reducing packaging through design, ensuring infrastructure for reusable materials, reducing reliance on plastics, and supporting a nontoxic circular economy, and we support such a program that places financial responsibility on those who make the decisions about materials that drive our current challenges. Even before China ceased to accept US materials intended to be recycled, we have a sad track record for collecting and actually recycling material-to-material (not downcycling) waste paper, plastic, glass, and metal. Further, toxic chemicals are the basis for packaging materials or are additives and contaminants. This is not a basis for an effective, perpetual reuse and recycling program.

While we appreciate Governor Hochul's Waste Reduction and Recycling Infrastructure Act (Part PP), which has addressed many concerns within the environmental community as articulated in previous sessions, we were profoundly disappointed not to see inclusion of restrictions on toxic chemicals either in that act or as a separate proposal (the Governor's approach last year). We recognize that there are significant budgetary increases needed to fully and effectively implement any packaging and paper program, and so support addressing this in the budget if the details of the program are sufficiently strengthened. Clean+Healthy supports Senator Harchuk's new bill, S. 4246, the Packaging Reduction and Recycling Infrastructure Act, and urge both houses to replace the Governor's proposal with this bill language.

Specific key measures in S. 4246 include:

- Appropriately stronger language to prevent hazardous chemical- or greenhouse gas-producing industrial practices from being considered recycling. Not to do so risks facilitating the petrochemical industry's fondest wish to use single use plastic as a passthrough from petroleum extraction to combustion, as a means of perpetuating their business model even as New York and others lead the way to a clean energy future. The health impacts for communities in which these facilities are sited are significant, and the result is not material-to-material recycling.
- Inclusion of **restriction on toxic chemicals and materials** that harm human health and the planet. This is necessary to drive materials redesign such that we are not continually cycling chemicals that cause or contribute to cancer, infertility, diabetes, learning and cognitive harm, asthma and more through society.
- An Inspector General to oversee producer programs and ensure effective implementation of the program.

We also strongly support provisions that will help incentivize local reuse infrastructure that enables businesses to significantly reduce or eliminate single use packaging.

ADDITIONAL COMMENTS ON PROPOSED POLICIES

Part V: We support the creation of policy to allow and regulate natural organic reduction facility operations. The current methods of handling human remains – embalming and burial, or cremation,

can have environmental and health concerns. The former relies on known carcinogen formaldehyde, and the latter is known to have the same hazards for communities in which facilities are sited as other combustion facilities. Natural decomposition as an alternative will enable people to choose a manner of handling of a loved one's body that is more protective of the environment and human health.

Part SS: We support continuing the nominal \$620 per pesticide registered for large companies, instead of allowing a planned reduction of the fee to \$50.

Part UU: We support this technical provision to make it feasible for municipalities to take out loans or bond to pay for lead service line replacement all the way to the property owner's connection.

Part WW: Clean+Healthy supports the electrification of buildings, and especially for space and water heating systems in new construction. It's essential the a close look is taken at the timelines proposed for implementation – taking a decade to fully phase in this program delays the benefits to our climate and the health of people in those buildings.

Thank you again for this opportunity to testify.