

**Testimony Regarding the Environmental Provisions of Governor Cuomo's
Executive Budget Proposal for SFY 2021-2022**

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As a steadfast and respected voice on New York State environmental policy issues, Environmental Advocates NY (EANY) thanks the Senate and Assembly for the opportunity to provide testimony on the environmental components of Governor Cuomo's Executive SFY 2021-22 Budget Proposal.

We are encouraged the SFY 2021-2022 Executive Budget provides the funding for a number of critical environmental initiatives and grateful for the commitment to the environment and renewable energy investments in these economic times. But the budget also includes a number of past years status quo proposals and missed opportunities to protect our environment, tackle climate change, and grow the economy. Throughout this testimony we provide recommendations on proposals we support, oppose, and/or suggest improvements or modifications to.

Today, more so than ever, the Federal government is looking to New York's climate law as a model on how to transition the economy in a just and equitable manner off-fossil fuels. And while, New York State can demonstrate a nation-leading greenhouse gas emissions reduction model with the Climate Leadership and Community Protection Act (CLCPA), it must also model how to implement these mandates and fund the transition. This is New York's next challenge, and the Executive Budget falls short by failing to provide the new capital investment needed for implementation.

We understand developing a roadmap to get to a fossil free future requires time, but we also know that the social costs of climate change are here and not paused while the State figures out a plan. The ongoing COVID-19 pandemic has highlighted once again the undeniable link that those living in the poorest air quality zones, primarily Black and brown communities, suffer the greatest health impacts from chronic asthma to heart and respiratory illness to premature death to now increased mortality rates from COVID-19. A lifetime of breathing dirty air, primarily polluted

from the combustion of fossil fuels, has again left these disadvantaged communities overburdened and the most vulnerable to the climate crisis.

So, today with this year's budget process we call upon the Legislature to think boldly about how to make the investments to tackle climate change and protect the most vulnerable. We acknowledge the climate law will require much from all New Yorkers to meet the goals of the law, but it also requires state-decision makers to do the same – under section 7 of the CLCPA *government decision-making, including the budgetary process, must consider whether its decisions are consistent with or interfere with the mandates of the law.*¹

We look forward to working with the Legislature and Executive on a budget that aligns with the climate law and moves us towards economic recovery through a green economy without leaving our most vulnerable behind.

Climate Initiatives

Implementation of the State's Climate Law: Ensuring the State meets the legally binding goals of the CLCPA is a top priority for EANY. The climate crisis is real and its effects are here now so we must fight it with all we've got. To get to a carbon-free New York by 2050 in a just and equitable manner, the CLCPA must be funded. Passage of the Climate and Community Investment Act (CCIA) will ensure critical investments are made to advance the clean energy economy, enhance access to clean transportation, and to deliver resources to transition communities and the state's workforce off fossil fuels. The CCIA establishes programs and actions to attain the pollution reduction, climate justice and equity mandates established by the CLCPA, focusing on direct investments in environmental justice and disadvantaged communities, cutting carbon emissions and co-pollutants, and begins to address the impact state actions or inactions have had on disadvantaged communities across the state.

¹ 1. All state agencies shall assess and implement strategies to reduce their greenhouse gas emissions. 2. In considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, all state agencies, offices, authorities, and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law.

The CCIA has the potential to play a critical role in the state's economic recovery. The clean energy industry in New York is one of the fastest growing industries in the state economy, employing nearly 159,000 people (prior to the pandemic), and clean energy jobs have grown by more than 8% since 2016. Clean energy job growth doubled the average statewide job growth in 2018. This impressive job growth in recent years has made New York the fourth largest clean energy economy in the nation. The state's climate and clean energy programs directly benefit communities because they create well paying, long-term, local jobs. As we experienced coming out of the Great Recession a decade ago, clean energy jobs have a track record for boosting economic recovery, while also directly benefiting communities by lowering energy costs and decreasing air pollution.

A core component of the climate law is the requirement that no less than 35-percent of climate and clean energy funds be invested in ways that benefit disadvantaged communities. The CCIA and existing clean energy programs funded through the Regional Greenhouse Gas Initiative (RGGI) and Clean Energy Fund will be essential to meeting this mandate and delivering jobs and GHG emission and co-pollutant reductions to the communities that have been hit hardest by the climate crisis and the coronavirus pandemic. These funds can also play a role in addressing the systemic racism that had led to Black and brown people being disproportionately impacted by dirty air.

We urge the Legislature to include the CCIA in the State Budget in order to 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.

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 we have a state climate law and NYSERDA's recently adopted CO₂ Allowance Auction Program regulations, that requires at least 35% of that clean energy money to be directed to benefit frontline environmental justice and disadvantaged communities. NYSERDA programs funded with RGGI dollars must be designed to maximize reductions of both greenhouse gases and co-pollutants in disadvantaged communities. The CLCPA requires that the state prioritize projects that both reduce

GHG emissions and eliminate criteria pollutants in historically disadvantaged communities when the state acts to meet its GHG reduction goals.

It is critical that RGGI funds, especially those dedicated to disadvantaged communities, be protected from diversions for purposes other than clean energy and carbon and pollution abatement. Since 2015, over \$200 million in RGGI proceeds have been transferred to the State Budget to supplant state spending on tax credits and other programs that are inconsistent with the equitable spending requirements included in the CLCPA.

We urge the Legislature to reject the Executive’s proposal to transfer of \$23 million to the state’s General Fund. The Legislature should also reject the proposed transfer of \$5 million to the Environmental Protection Fund. These transfers only serve to supplant environmental and clean energy funding and could be otherwise used to supplement programs and initiatives benefiting 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. The projects the Governor announced in the State of the State have the potential to position New York as the leader in the development of off-shore wind, energy storage, and land-based renewables. We applaud the legislature for working with the Governor in the 2020-2021 budget to address issues related to permitting, interconnection, and transmission in ways that do not hinder the development of projects already in the process or weaken the environmental justice protections woven throughout the siting process that applies to all proposed electric generation facilities.

We urge the Legislature to ensure the state has the resources needed to make these projects a reality by supporting the Executive’s proposal to add 31 staff positions at the Office of Renewable Energy Siting and applying the same SEQR exemption afforded to large scale renewable applications through the Article 10 siting process.

Eliminate Fossil Fuel Expenditures: The CLCPA establishes the goals of 40-percent emissions reduction by 2030, and 85-percent by 2050. Reaching these goals requires a transition off fossil fuels at all market levels, which will allow the state to focus on investment in clean, sustainable energy sources. Fossil fuel related tax expenditures represent an estimated \$1.5 billion in state spending annually. The

legislature should use the budget to begin the process of phasing these subsidies out, enabling immediate cost savings and facilitating our transition away from polluting fuels.

Understanding how we currently subsidize the fossil fuel economy through tax expenditures is an important step in assessing how the State can move away from supporting the fossil fuel industry. Legislation introduced by Senator Krueger and Assemblymember Cahill (S.2721/A.225) requires the Division of Budget to assess each tax expenditure and determine its relation to the fossil fuel industry provides transparency to all bodies of State government and the public. This bill will provide the information that the State and the public need to ensure that we are on track to meet our emissions reduction goals. Passage of this legislation will help guide an equitable retirement of these subsidies.

The Legislature should consider eliminating the sales tax cap on motor fuels, examine exemptions for residential and non-residential energy, and reject the Executive's proposal to extend tax exemptions for other polluting combustible fuels, including E85, CNG, hydrogen, and B-20.

Clean Transportation Initiatives

The transportation sector is the largest source of climate pollution in New York, representing 36 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 roughly 61,000 electric vehicles on New York's roads and there are less than 2,000 public charging stations available for use. 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.

Environmental Bond Act

Environmental Bond Act: EANY strongly support placing an environmental bond act before the voters this year. The need last year was enormous, and this need has not waned, but intensified. An environmental bond act will support local jobs from a wide range of professions, yield benefits to communities and the environment throughout New York, while protecting our quality of life for future generations.

All across the state, flooding and weather-related damages have reached a crisis point with billions of dollars in damages and countless human tragedies. Climate change demands that we take steps immediately to prepare our communities for a future that will bring more water, more heat, and a need to conserve natural resources that we depend on for clean water and natural buffers to extreme weather. Reauthorization of a bond act presents a once in a generation opportunity to directly address the current impacts of climate change and prepare for challenges to come. According to DEC, the annual societal costs of the greenhouses gases emitted in the state is more than \$27 billion.

Last year's bond act proposal to fund natural resource and habitat restoration, water quality improvements, farmland protection, urban heat island mitigation, flood buyouts, green infrastructure and climate preparedness marks a new chapter in New York's environmental leadership and should be considered again.

We urge the Legislature to work with the Executive to reauthorize an environmental bond act as it is an incredible opportunity to provide funding to protect our water resources, build our climate resiliency, conserve land and ecosystems, generate green jobs and economic activity and provide necessary funding to disadvantaged and frontline communities.

Clean Water Initiatives

Clean Water Infrastructure: Investing in water infrastructure can address both the public health crisis as well as the economic crisis caused by COVID-19. By jump-starting new projects to safeguard drinking water, New York can protect state residents from getting sick and also provide a critical economic boost to local communities. New York has a powerful tool, the Clean Water Infrastructure Act (CWIA), to do exactly this.

We are pleased to see Governor Cuomo include \$500 million in new funding for the CWIA in the proposed SFY 2021-2022 State Budget. Created as a five-year, \$2.5 billion program in 2017 thanks to the State Legislature's strong support for clean water, the CWIA provides grants to local governments to help them afford water main repairs, sewage treatment plant upgrades, and many other projects. One of the programs funded by the CWIA, the Water Infrastructure Improvement Act (WIIA), awarded over 600 grants between 2015 and 2019, totaling \$1.2 billion in financial assistance, to projects in every county in the state outside of New York City.

The CWIA proved so popular and successful that Governor Cuomo promised in 2019 to add an additional \$2.5 billion to the program over a five-year period. The State Legislature appropriated the first two \$500 million installments of this promise in the SFY 2019-2020 and the SFY 2020-2021 State Budgets, and the Governor has now proposed the third installment for this year's budget. With millions of New Yorkers currently unemployed or seeing their wages or hours slashed, \$500 million in new funding for the CWIA will put people safely back to work in good-paying, union jobs. DEC recently calculated that for every \$10 million

that New York has invested in water infrastructure, 160 jobs were created. In 2019 alone, New York's water infrastructure grants created 20,000 jobs. Given its success at stimulating local economic activity, the CWIA can play an essential role in New York's efforts to build back better from the COVID-19 pandemic.

The need for water infrastructure funding is enormous. New York State has some of the oldest drinking water and wastewater infrastructure in the nation. \$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.

There is certainly no shortage of projects in need of support, which could provide an immediate economic benefit for the state. In 2019, EANY released a report titled *Untapped Potential: New York's Growing Water Infrastructure Need*. Our report analyzed the first four years of applications and awards through the Water Infrastructure Improvement Act. One of our key findings was that for each year between 2015 and 2018, only 50% of shovel-ready applications received a grant award from the Environmental Facilities Corporation (EFC) due to a lack of sufficient funding for WIIA. Too many communities were left waiting on the sidelines for funding, with projects put on hold. EANY's analysis of WIIA application data from 2019 is still pending, as we are still awaiting a response from EFC to our FOIL request for the data, submitted on July 2, 2020.

The data from 2017 and 2018 demonstrates that the \$500 million-per-year appropriation for the Clean Water Infrastructure Act begun in 2017 was not enough to meet local governments' demonstrated demand. Assuming the identified trend continues, the State Legislature could invest \$500 million in new funding for the CWIA as the Governor has proposed, doubling its CWIA appropriation for this year, and allocate every penny of the portion of CWIA funds dedicated to WIIA to a shovel-ready project.

In fact, if the State Legislature invests an additional \$500 million in the CWIA in this year's budget, there would likely still be shovel-ready projects that go unawarded due to ever-growing demand from local governments. The total grant dollars requested by local governments increased each year between 2015 and 2018; in 2018, local governments requested \$103 million more in grant assistance than in 2017. And due to the devastating drops in local government revenue caused by the COVID-19 pandemic, their need for funding support will be greater than ever. In

short, increased water infrastructure funding is necessary to both clear a backlog of shovel-ready projects and keep up with growing demand.

We support the Governor's proposal and urge the Legislature to invest at least \$500 million new funding for the Clean Water Infrastructure Act in the State Budget.

Lead Service Lines: Recent water crises in Flint, Michigan and Newark, New Jersey have shone 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. There is no safe level of lead in drinking 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. Between 2018 and 2020, the City of Newburgh, City of Amsterdam, Village of Herkimer, and Village of Ilion, among many other water systems, exceeded the EPA standard for lead in drinking water.

As New Yorkers stay indoors during the COVID-19 pandemic, they shouldn't have to worry that toxics in their homes will make them sick. Yet many people are currently facing greater exposure to household lead hazards, including children taking classes online. It is estimated that the City of Syracuse has at least 16,000 lead pipes, the City of Rochester has at least 20,000 lead pipes, the City of Buffalo has at least 41,000 lead pipes, and New York City has at least 130,000 lead pipes.

Fortunately, the Clean Water Infrastructure Act created the Lead Service Line Replacement Program (LSLRP), which provides grants to local governments to dig up lead service lines at no cost to the homeowner. This funding ensures that homeowners, especially in low-income communities and communities of color, are not burdened with unaffordable lead pipe replacement bills or drastic increases in water rates.

Since 2017, the LSLRP has awarded \$30 million to 44 local governments to jump-start lead service line replacement. For example, the City of Newburgh has already replaced close to 100 lead service lines, and the City of Albany initiated a LSL replacement project in the Arbor Hill neighborhood this past fall.

However, both Newburgh and Albany have exhausted the funds provided to them through the LSLRP. Despite the success of this program, the \$30 million in current funding is just a drop in the bucket compared to at least \$1-2 billion needed to locate and replace all of the lead pipes statewide. To address this problem at scale and in an equitable manner, more state funding is required.

Five days before the inauguration of our new president, the Trump Environmental Protection Agency finalized the first major overhaul of the nation's lead in drinking water regulations in almost 30 years. Unsurprisingly, the Trump administration weakened protections against lead in drinking water, and actually enacted policies to slow the rate of lead service line replacement. New York's leadership is clearly needed to prevent another generation of children from being exposed to this dangerous neurotoxin when they turn on the tap. The longer lead service lines remain beneath our feet, the greater the chance that future water crises will occur in New York.

We urge the Legislature to include line item allocations for each of the programs funded through the Clean Water Infrastructure Act, including at least \$100 million for the Lead Service Line Replacement Program, to ensure programs are receiving sufficient amounts of funding and to monitor and evaluate program success.

Emerging Contaminants: In August 2020, after years of advocacy by impacted communities, the Department of Health (DOH) finalized new drinking water standards, or Maximum Contaminant Levels (MCLs), for three toxic chemicals: PFOA, PFOS, and 1,4-dioxane. These MCLs are vital to protect public health, especially as exposure to PFOA, PFOS, and other PFAS has been linked to reduced immune response and decreased vaccine effectiveness, which could complicate New Yorkers' ability to recover from COVID-19.

All water utilities across the state are currently undertaking testing to determine whether contamination is present in their drinking water sources at levels above the MCLs. Several utilities, including Suez Water and the Village of Nyack in Rockland County, have already exceeded the new standards. If a water utility exceeds one or more of the MCLs, they may be required to install treatment technology, such as granulated activated carbon (GAC) filtration or advanced oxidation process (AOP) treatment.

Financial assistance will be necessary for some small water utilities to afford the cleanup costs, especially if a responsible polluter cannot be identified and held accountable. New Yorkers should not have to face large rate increases in order to have cleaner drinking water. 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.

In 2019, the Governor announced that \$350 million is available through WIIA to assist communities in protecting New Yorkers from emerging contaminants. Over \$120 Million has already been awarded to 37 Projects on Long Island to remove PFOA, PFOS, and 1,4-dioxane from drinking water. We are very supportive of state grants to aid in the installation of emerging contaminant treatment technology.

We urge the Legislature to continue its annual commitment to water infrastructure funding to ensure traditional water infrastructure upgrades are not short-changed by a lack of available grant dollars.

Utility Shut-Off Moratorium: Every New Yorker needs clean water, especially during COVID-19. However, because of the economic crisis, many families may not be able to pay their utility bills, including water bills, putting them at risk of a utility shut-off. We are pleased to see the Governor proposing a moratorium on utility shut-offs for the duration of the COVID-19 state of emergency as well as future states of emergency in New York.

We applauded the State Legislature this past May for enacting a moratorium on utility shut-offs during COVID-19. However, all of the provisions of New York's current law expire on March 31, 2020. It is critical that the State Legislature prevent these protections from lapsing, especially as the virus resurges and the economic situation in New York remains dire. Specifically, we urge that a moratorium on utility shut-offs include the following elements:

1. clearly define how long protections against shut-offs last into the recovery period, after the state of emergency ends. We recommend that protections against shut-offs last at least 180 days after the end of the state of emergency, or such longer period as may be established by Department of Public Service (DPS);
2. require all community water systems and wastewater systems, regardless of size, to comply with the proposal's provisions;

3. provide DPS specific authorization to investigate complaints and levy penalties against public water utilities for non-compliance. While the Governor's proposal provides DPS the authority to seek remedies in court against public water utilities, we urge the language be strengthened to require DPS to investigate and adjudicate any complaints filed by customers;
4. specify who declares, and how, a future state of emergency that triggers utility shut-off protections;
5. prohibit the placement, sale, and enforcement of water and sewer liens during the emergency and recovery period;
6. require immediate reconnection of all customers disconnected from service, regardless of when the disconnection occurred;
7. prohibit the charging of interest and reconnection fees, selling of consumer debt to a collection agency, or reporting of consumer debt to a credit agency; and
8. require proper consumer notification be sent with each utility bill.

We urge the Legislature to work with the Executive to make the utility shut-off proposal as strong and protective as possible by incorporating the elements outlined above.

In addition, it is important to note that water affordability for families was a significant concern even before COVID-19, with the pandemic exacerbating the problem. The problem has been especially visible and pronounced in the City of Buffalo. From 2015 through March 2019, Buffalo terminated water on over 17,000 occasions. The data also reveals how the water affordability crisis hits low-income communities and communities of color the hardest.

To help achieve water affordability across the state we support: (1) requiring utilities to publicly report data on shut-offs, unpaid bills, and other information; (2) providing financial assistance to low-income water customers, using federal funds allocated for that purpose in the federal COVID-19 relief package signed into law in December 2020; (3) creating a permanent low-income water affordability program; and (4) prohibiting water shut-offs due to inability to pay regardless of a state of emergency.

We urge the Legislature to support additional policies to ensure that water is affordable for all New Yorkers.

Solid Waste Initiatives

Plastic Bags: Banning plastic bags in the 2019 state budget was a huge milestone and important policy step in helping New York curb plastic pollution and address the solid waste crisis. The commitment of the state to ban these unnecessary single-use plastics is commendable. However, the implementation and subsequent enforcement of the law has had a troubled start: from problematic regulations that subverted the original intent of the law later to be thrown out by the New York Supreme Court, deferred enforcement in part due to the COVID-19 pandemic, and failed enforcement.

While we understand there are reasons to re-consider the principal law to help cure deficiencies in the 2019 legislation, we are concerned the proposal put forth in the Executive Budget further frustrates the original intent of the law and again confuses a relatively straightforward policy outcome. We urge the Legislature to progress amendments that uphold the original intent of the law to ban all plastic bags and to push to include two policies that were omitted the first time around – a mandatory state-wide fee on paper bags and that plastic bags used for restaurant take-out or delivery are included in the state-wide bag ban.

We urge the legislature to work with the Executive to ensure New York State’s bag ban law is clear, enforceable, and achieves the original intent of the law to ban plastic carryout bags. Additionally, we urge the legislature to consider fixing two serious policy omissions, requiring a mandatory state-wide fee on paper bags and banning plastic bags used for restaurant take-out.

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. In addition, municipalities across the state are facing extraordinary challenges in keeping curbside recycling afloat.

We must institute policies that reduce our waste, relieve the burden on local governments, as well as foster a circular economy in which products are used for as long as possible, then regenerated or recycled into the same product. While extended producer responsibility frameworks are not the silver bullet to solving all aspects of our waste crisis, these programs can help achieve these goals. For

instance, EPR programs help municipalities sustain local recycling by requiring producers to pay for the life-cycle management of the product. Requiring producers to pay for end of life costs, incentivizes manufacturers to reduce packaging, use recyclable packaging, and increase the packaging's recycled content -- all lessening our reliance and need for virgin materials, such as petroleum.

Last year we applauded the Governor's inclusion of a stewardship program for carpet and mattresses, but were disappointed that no EPR proposal was included in this year's Executive Budget. We believe there is still a great opportunity for New York to move forward on EPR for carpets and mattresses, as well as other products such paper and packaging, which will yield much needed support to vulnerable curbside recycling programs.

We strongly urge the Legislature to work with the Executive to include extended producer responsibility programs in the final budget.

Support for other SFY 2021-2022 Budget Proposals

Environmental Protection Fund (EPF): We support the Executive's proposal to appropriate \$300 million for the EPF. However, we ask that the difference between appropriations and spending that has grown over the past several years be addressed before the backload becomes unsustainable.

We request that the Legislature support the Executive's proposed \$300 million for the EPF.

Department of Environmental Conservation Staffing: Funding to adequately staff DEC to discharge its statutory and enforcement obligations is a perennial problem. This concern was once again highlighted in 2020 when the Governor vetoed (veto #60) A.8349/S.5612A, legislation which would have provided stream protections in light of the Trump Administration abdication of its responsibilities. In particular, the Governor's veto message highlighted the concern of needing more resources and staff to carry out these important protections. In vetoing this bill the Governor stated "The workload on DEC alone, associated with reviewing, issuing and enforcing permits associated with disturbance of these resources cannot be accomplished without adding significant numbers of full-time staff." It is clear that the agency can no longer state that they are able to do more with less.

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 that provides \$2M to support these centers.

Renewable Energy for the State Capitol and Empire State Plaza: We commend the Legislature for ensuring that the central nervous system of state government will be powered by 100% clean renewable power. Further, we support the recommendations in testimony presented by the Sheridan Hollow Alliance for Renewable Energy and urge that the final SFY 2021-22 budget include appropriations supporting the additional analysis it is seeking.

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 climate, air, land, water, and the health of all New Yorkers. Based in Albany, we monitor all levels of state government, evaluate legislative proposals, champion policies and practices that will benefit our shared environment and fight against detrimental ones. We work to build political power and bring the voices of New Yorkers to Albany with a goal of making our state a national environmental leader.