BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

----------------------------------------------------
JOINT LEGISLATIVE HEARING

In the Matter of the
2022-2023 EXECUTIVE BUDGET ON
ENVIRONMENTAL CONSERVATION

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Virtual Hearing
Conducted via Zoom

February 1, 2022
9:36 a.m.

PRESIDING:

Senator Liz Krueger
Chair, Senate Finance Committee

Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

PRESENT:

Senator Thomas F. O'Mara
Senate Finance Committee (RM)

Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

Senator Todd Kaminsky
Chair, Senate Committee on
Environmental Conservation

Assemblyman Steve Englebright
Chair, Assembly Committee on
Environmental Conservation

Senator Michelle Hinchey
Chair, Senate Committee on Agriculture

Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture
PRESENT:  (Continued)

Senator José M. Serrano  
Chair, Senate Committee on Cultural  
    Affairs, Tourism, Arts and Recreation

Assemblyman Daniel J. O'Donnell  
Chair, Assembly Committee on  
    Tourism, Parks, Arts and  
    Sports Development

Senator Kevin Parker  
Chair, Senate Committee on Energy and  
    Telecommunications

Assemblyman Michael J. Cusick  
Chair, Assembly Committee on Energy

Assemblyman Harvey Epstein

Assemblywoman Patricia Fahy

Assemblyman Robert Carroll

Senator Dan Stec

Assemblyman Steven Otis

Assemblywoman Didi Barrett

Senator Anna M. Kaplan

Assemblywoman Deborah J. Glick

Senator Pete Harckham

Assemblyman Robert Smullen

Senator John W. Mannion

Assemblyman Harry B. Bronson

Assemblywoman Alicia Hyndman
PRESENT: (Continued)

Senator Brad Hoylman
Assemblyman Angelo Santabbara
Assemblywoman Carrie Woerner
Senator John Liu
Assemblyman Billy Jones
Assemblywoman Marianne Buttenschon
Assemblyman Philip A. Palmesano
Senator George M. Borrello
Assemblyman Chris Tague
Senator Patty Ritchie
Assemblyman Mark Walczyk
Assemblywoman Rebecca A. Seawright
Senator Sue Serino
Assemblyman Chris Burdick
Assemblywoman Karen McMahon
Assemblyman John Lemondes
Senator Brian Kavanagh
Assemblyman William Conrad
Assemblywoman Jessica González-Rojas
Assemblyman Matthew Simpson
Assemblyman Doug Smith
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Senator Rachel May
Assemblyman Brian Manktelow
Assemblyman Zohran K. Mamdani
Assemblywoman Vivian E. Cook
Senator James Tedisco
Assemblyman Michael Durso
Assemblyman Erik M. Dilan
Assemblywoman Linda B. Rosenthal
Senator Daphne Jordan
Assemblyman Keith P. Brown
Assemblyman José Rivera
Assemblywoman Judy Griffin
Assemblyman Khaleel M. Anderson
Senator Andrew Gounardes
Assemblywoman Anna R. Kelles
Assemblyman Thomas J. Abinanti
Assemblywoman Pamela J. Hunter
Assemblyman Fred W. Thiele, Jr.
Assemblyman J. Gary Pretlow
Senator Leroy Comrie
Assemblyman Christopher S. Friend
2022-2023 Executive Budget
Environmental Conservation

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Assemblywoman Amanda Septimo
Assemblyman John T. McDonald III
Assemblywoman Jennifer Lunsford
Senator Diane J. Savino
Assemblywoman Jodi Giglio
Senator Jabari Brisport

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Environmental Defense Fund

Will Coté  
Parks Program Director  
Parks & Trails New York

Cathy Pedler  
Director of Advocacy  
Adirondack Mountain Club

Kevin Chlad  
Director, Government Relations  
The Adirondack Council

Katherine Nadeau  
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CHAIRWOMAN KRUEGER: Good morning, everyone. My name is Liz Krueger. I am the chair of Senate Finance.

Today I am joined by -- well, every day in budget hearings I am joined by my colleague from the Assembly, Helene Weinstein, the chair of the Ways and Means Committee.

And I just have lost my opening statement, so one second, sorry.

Today's hearing is on environmental conservation, and it's both energy and environmental committees and agriculture and parks, so we have quite a full hearing today.

And I will be letting everybody be introduced as I go through the opening statement, which I have found.

So this is the fourth day of budget hearings out of a total of 13 budget hearings. We take turns running the budget hearings. This is the fifth hearing, excuse me, of the 13 hearings; yesterday we had two hearings. So the EnCon hearing is sponsored by the Senate today.
I just want to quickly go over a couple of the rules of the road. If you're not speaking, please keep yourself on mute. Inevitably somebody doesn't, and it gets very confusing.

Second, the government representatives will be getting 10 minutes to testify, then the legislators will be able to ask questions. As I just said, relevant committee chairs get 10 minutes to ask questions, ranking members get five, and all other legislators get three minutes. And we will go back and forth between the Senate and Assembly until we complete any given testifier's questions.

Yes, this will be a long hearing today because there are so many critical issues, and so I suspect we will be here till evening.

Again, over the course of the day, if you want to ask a question, please raise your hand with the "raise hand" button on the bottom of your screen, and we will be calling on you. And then after you speak, if you
wouldn't mind take your hand down so we don't get confused and call on you again.

So again, good morning. This is a mandatory budget hearing, as required by the Constitution and Legislative Law. This joint hearing of the Finance Committee and Assembly Ways and Means will hear testimony from the Department of Environmental Conservation, the Office of Renewable Energy Siting, the Office of Parks, Recreation and Historic Preservation, the Department of Agriculture and Markets, the Public Service Commission and New York State Energy Research and Development Authority, also known as NYSERDA.

Following each testimony there will be time for questions from relevant legislators.

I'm going to introduce my Senate colleagues who are here, then hand it over to Assemblymember Weinstein. In addition, my ranker on Finance is Tom O'Mara, but I believe he has to be late this morning, so I'll also be introducing --

SENATOR O'MARA: Well, I'm on for now, Liz. I'm on for a couple of minutes.
CHAIRWOMAN KRUEGER: Oh, excuse me. I will let Tom introduce his own members since he is here now. Thank you, Tom.

So just starting out with Senators who are here: Brad Hoylman, Todd Kaminsky, chair of EnCon, Michelle Hinchey -- seeing everyone is always sort of a challenge for me. There's so many hands up already. Senator Anna Kaplan, Senator Pete Harckham, Senator Pat Ritchie, who's I believe also the ranker on EnCon. Oh, I wasn't supposed to introduce her yet.

Senator John Mannion, Senator Rachel May, Senator John Liu, Senator Diane Savino, Senator Brian Kavanagh, Senator Andrew Gounardes. Wow, people who stayed with us all day yesterday are still back here this morning.

I'm going to pass it to Tom O'Mara to introduce the members of his caucus.

SENATOR O'MARA: Thank you, Senator Krueger. Good morning.

We have on our side with us our ranker on the Energy Committee, Senator Patty
Ritchie. And we have Senator Jim Tedisco with us.

And others will be joining throughout the day. Thank you.

CHAIRWOMAN KRUEGER: Great. And Helene Weinstein, please introduce your members.


Assemblyman Ra, our ranker on Ways and Means, can please introduce the members of your conference.
ASSEMBLYMAN RA: Thank you. Good morning.

We have Assemblyman Tague, who is our ranker on Ag; Assemblyman Smullen, who is our EnCon ranker; Assemblyman Palmesano, our Energy ranker; and Assemblymembers Lemondes, Durso, Simpson and Brown.

CHAIRWOMAN KRUEGER: Great.

Thank you.

And as more members join us over the course of the hearing, we will try to make sure to spot you and announce you at that time.

With that, I would like to -- we're not going to go to just the first testifier. The three government testifiers have all agreed they'd like to be on one panel, so that we will let each of them speak for up to 10 minutes, summarizing the key points of their testimony. And then when the three have completed their testimony, we will open it up to the panel for questions.

So we have, first, New York State Public Service Commission Chair Rory
Christian. He will be followed by
Doreen Harris, president and CEO of NYSERDA,
then followed by Houtan Moaveni -- I'm sorry
if I just messed up your name -- who is the
executive director, New York State Office of
Renewable Energy Siting.

So let's start with Rory Christian.

Good morning.

PSC CHAIR CHRISTIAN: Good morning.

Thank you for having me today.

So good morning, Chair Krueger,
Chair Weinstein, and other distinguished
legislative members. My name is
Rory Christian, and I am the chief executive
officer of the Department of Public Service
and the chair of the Public Service
Commission.

The commission's regulatory
jurisdiction extends over New York's
investor-owned utilities, including six major
electric and gas utilities, five major
gas-only utilities, and two major water
companies. We have jurisdiction over small
telephone companies, hundreds of small water
companies, nearly 40 municipal utilities,
cable companies, power generators and energy
service companies.

The department -- the administrative
arm of the commission -- also provides
regulatory oversight of electric utility
operations on Long Island.

In fiscal year '22-'23 we are prepared
to take the next steps to implement the
nation-leading Climate Leadership and
Community Protection Act, the CLCPA, which
was recently passed by the Legislature in
2019. As the Climate Action Council
completes its work on the scoping plan on the
schedule required by the CLCPA, Governor
Hochul is moving in parallel to accelerate
some key actions we agree are necessary to
meet the CLCPA's ambitious emissions
reduction goals.

For example, Governor Hochul has
proposed to change the Building Code to
eliminate fossil fuel use in new construction
by 2027 and has proposed changes to the
Public Service Law that conform to the CLCPA,
including eliminating the requirement for
natural gas utilities to cover the costs for
the first 100 feet of supply line between a
natural gas main and the end user.

Governor Hochul also has set a target
to electrify, or make electrification-ready,
2 million buildings by 2030, and the Governor
is driving investments needed to accommodate
850,000 zero-emission vehicles on New York
roads by the end of 2025.

We will take complementary actions at
the commission, while also meeting our
statutory mandate to keep all utility systems
safe and reliable. We will continue to
review rate cases through the lens of the
CLCPA, so that we keep making progress in
achieving clean energy objectives without
disproportionately burdening disadvantaged
communities. We will evolve our policy
proceedings to more comprehensively address
the CLCPA requirements.

And we will continue to support the
electrification of transportation, through
the successful rollout of the groundbreaking
electric vehicle infrastructure program known as EV Make-Ready, which will deploy more than 50,000 new public and commercial Level 2 charging ports across the state by 2025.

This year we will also commence a proceeding to provide operating cost relief mechanisms for fast-charging infrastructure. And with that I want to thank Assemblyman Cusick and Senator Kennedy for advancing the underlying legislation.

Energy affordability remains a key priority, especially as we recover from COVID-19. The department is working with the utilities and our state agency partners to increase awareness of existing consumer protections and utility bill payment assistance programs to minimize service disconnections.

The commission has made significant improvements to the low-income energy bill discount programs administered by the major electric and gas utilities, most notably by adding $129 million to the program last year. With that, we now dedicate more than
$365 million per year to assist low-income families with their utility bills.

This year we have also moved forward with implementing new initiatives advanced by the Legislature which are designed to improve utility services and accountability. These new initiatives include requiring utilities to publicly report executive compensation; implementing the new law to crackdown on robocalls; analyzing the feasibility of relocating underground all or most existing above-ground utility lines; initiating a proceeding that will address proposals made by electric utilities to undertake projects and programs related to storm-hardening and resiliency; and making it easier and more affordable for broadband providers to install internet service on utility poles.

We will also complete our broadband mapping initiative on time in the second quarter. The mapping will support Governor Hochul's ConnectALL initiative, which, at $1 billion, will be the largest-ever investment in New York's digital
infrastructure.

In addition to making it easier for internet providers to use utility poles and completing our broadband mapping initiative -- which will be used to pinpoint where broadband investments need to be made -- we are leading the effort to ensure every eligible New Yorker can take advantage of the federal government's $14 billion Affordability Program that supports an up-to-$30-per-month broadband subsidy for low-income households.

We greatly appreciate the partnership with many of your offices in consumer outreach on these issues, including helping to distribute our consumer survey for the broadband map and informing your constituents about the availability of the low-income broadband discount.

To accomplish the many new and important tasks before us, the Executive Budget proposes to increase our staff by 37 full-time employees -- the largest increase in eight years -- increasing our
workforce of 491 full-time employees. The new personnel will focus on priority areas, including CLCPA policy development, resilience, utility oversight, and enforcement. These employees will enhance the work of advancing clean energy, driving statewide economic growth, and creating jobs in New York State.

Further, through positions like a resident inspector at the Indian Point decommissioning site, these employees will help ensure the safety and reliability of our regulated utility systems.

In sum, we are well-positioned to deliver our core mission and meet the Governor's ambitious agenda, and we are grateful for the Legislature's support.

This concludes my remarks, and I welcome your questions. Thank you.

CHAIRWOMAN KRUEGER: Thank you. And we'll get to the questions after all three of you testify.

Next, Doreen Harris.

NYSERDA PRESIDENT HARRIS: Good
morning, Chair Krueger, Chair Weinstein, and
members of the committees. Thank you for the
opportunity to testify before you today.

I am Doreen Harris, the president and
CEO of NYSERDA. I am pleased to appear here
today to discuss the many critical climate
and energy issues facing our state and
nation.

Under Governor Kathy Hochul's
leadership, and guided by the state's
landmark Climate Act, we have taken
significant steps forward in advancing
New York's nation-leading clean energy and
climate goals. I am highly optimistic as we
focus our work on realizing a more equitable
clean energy future and continue to build
momentum in growing our green economy, which
is a focus of national and global attention.

The Climate Act established the
Climate Action Council, which I cochair with
Department of Environmental Conservation
Commissioner Seggos. The council was charged
with developing a Draft Scoping Plan to
reduce economy-wide greenhouse gas emissions
and meet the state's clean energy goals,
while centering benefits to disadvantaged
communities.

I am happy to report several key
milestones were met in 2021 under the
council: The timely public release of the
Draft Scoping Plan on December 30, 2021.
Also released were the Disadvantaged
Communities Barriers and Opportunities Report
and the Just Transition Job Study.

As we look ahead, advances in wind,
solar, energy storage, energy-efficient
buildings and clean transportation will
provide new opportunities to fulfill
New York's ambitious clean energy and jobs
agenda.

I want to highlight some of the
initiatives that NYSERDA is undertaking and
the many areas in which we have realized
substantial process.

As outlined in Governor Hochul's
Executive Budget, our next offshore wind
solicitation will occur this year and will
include a new nation-leading $500 million
investment to develop offshore wind port
infrastructure and supply chain and create
2,000 jobs.

Additionally, we finalized contracts
for the Empire Wind 2 and Beacon Wind
projects, putting us halfway to the Climate
Act's 9,000 megawatt offshore wind goal. The
federal Bureau of Ocean Energy Management, or
BOEM, announced this month the pending
auction of new lease areas needed for
additional offshore wind projects.

NYSERDA also finalized contracts with
Clean Path New York and Champlain Hudson
Power Express to deliver renewable power to
New York City. And if approved by the Public
Service Commission, these transmission
projects, when combined with the deployment
of clean energy and offshore wind, will
reduce New York City's fossil fuel use for
electricity by more than 80 percent in 2030.

As evidence of our progress, our
combined pipeline of operating, contracted
and awarded renewable energy projects is
expected to generate approximately 63 percent
of New York's projected 2030 electricity demand.

Our NY-Sun program has helped make New York a national leader in distributed solar. In fact, 2021 was a record-setting year with over 557 megawatts of projects completed. We are well on our way to achieving 6 gigawatts of distributed solar by 2025, and NYSERDA and the Department of Public Service have now proposed a framework for the state to achieve at least 10 gigawatts by 2030.

Scaling up building efficiency is a key priority for NYSERDA. The Governor, in her State of the State, announced a commitment to 2 million climate-friendly homes, and this includes a plan to achieve a minimum of 1 million electrified homes and up to 1 million electrification-ready homes by 2030.

This is anchored by a robust series of actions: Requiring zero on-site greenhouse gas emissions for new construction by 2027, upgrading appliance efficiency standards to reduce energy use while saving billions on
utility bills, and requiring benchmarking for large buildings to track energy efficiency.

To address healthy public school buildings, Governor Hochul's Clean Green Schools Initiative will benefit more than 1,000 underresourced public schools. With additional funding provided through the bond act, if approved by voters this year, the Clean Green Schools Initiative will benefit nearly 1 million students. The initiative will help schools plan for and facilitate clean energy and indoor air quality projects.

We are tackling emissions from the transportation sector with the state's $1 billion investment that will grow access to and availability of electric vehicles and clean transit.

We are also building the green economy workforce by providing career pathways that place workers in clean energy jobs. We have committed nearly $120 million for workforce development and training initiatives directly targeting low-income individuals, veterans, and disabled workers and helping integrate
these workers into the clean energy industry.

These efforts will help to train and prepare more than 40,000 New Yorkers for clean energy job opportunities and assist businesses with hiring and training.

We are also integrating benefits and program offerings. For example, all large-scale renewable projects receiving awards from NYSERDA will be required to meet prevailing wage, and these renewable energy investments will focus economic growth and job creation in environmental justice areas and disadvantaged communities.

As you can see, I am extraordinarily proud of NYSERDA's leadership in advancing clean energy and climate solutions on behalf of the people of this great state. I take great pride in the partnerships we have forged with the Legislature as well as with our sister agencies.

This concludes my opening remarks, and I will now turn it back to Chair Krueger and Chair Weinstein.

CHAIRWOMAN KRUEGER: Thank you very
much.

And next we're going to hear from the executive director of the New York State Office of Renewable Energy Siting. And I'm going to ask you to pronounce your name so I don't make a mistake again.

ORES EXEC. DIRECTOR MOAVENI: Good morning, Chair Krueger, Chair Weinstein, and members of the committees. Thank you for the opportunity to testify before you today. My name is Houtan Moaveni, and I am the executive director of the Office of Renewable Energy Siting.

ORES is a start-up agency which was created in the early days of a global pandemic. The challenges that pandemic posed for many areas of New York State government in terms of hiring and access to the office space and the need to avoid in-person public gatherings were also challenges that ORES faced.

ORES at all times worked to overcome these challenges to satisfy its legal obligations and accomplish its mission. This
included, in the first year of the office's existence, promulgating the regulations required by Executive Law 94-c.

The new office began accepting and processing siting permit applications, including transfers from existing Public Service Law Article 10 applications from the day that the office was created, pursuant to Executive Law 94-c. To date, the office has issued four final siting permits, while ensuring the protection of the environment and consideration of all pertaining social, economic and environmental factors with input from local government and host communities.

The office's decisions follow a detailed review and robust public participation process to ensure that its facilities meet or exceed the requirements of Section 94-c of the Executive Law and its implementing regulations.

While we are early in the Executive Law 94-c process, the progress that we are seeing indicates that the Office of Renewable Energy Siting and the new process is
meaningfully advancing New York State toward
its nation-leading energy goals in a timely
and cost-effective manner.

By a point of reference, in the
11 years of Article 10 existence, only
16 projects have been certified and only one
project is in operation. The average length
of time for issuance of a certificate under
Article 10 has been approximately three and a
half years.

I once again wish to acknowledge my
outstanding colleagues at ORES, DEC, DPS,
Office of Parks, and Ag & Markets for their
tireless efforts and dedication to the
state's renewable energy mission during 2021.
We look forward to continuing to work hand in
hand with all stakeholders as the pipeline of
63 proposed siting permit applications are
developed and constructed. These facilities
are vital to meet the Climate Leadership and
Community Protection Act's carbon reduction
and clean energy targets to combat climate
change.

Again, thank you so much for this
opportunity. This concludes my initial remarks. I look forward to your questions.

CHAIRWOMAN KRUEGER: Thank you very much.

All right. So because we took the three government reps as a panel -- and I'm trying to make sure that everybody with their hands up gets a fair chance to ask any or all of them questions -- clock timer person, listen carefully.

I'm going to give chairs 15 minutes in total to ask questions of any or all three. I'm giving the rankers 10 minutes in total to ask any or all three. And then other Senators, I'm giving you up to six minutes to ask any or all three.

I still think we come out ahead if we did each of them separately and made you raise your hands three times for this panel. So let's see if we can pull this off.

I'm going to start with Senator Kevin Parker, the chair of Energy. Are you there, Kevin?

SENATOR PARKER: I am. Good
morning --

CHAIRWOMAN KRUEGER: Good morning.

SENATOR PARKER: -- Madam Chairs and colleagues. Thank you for this -- members of the panel, thank you for this important conversation. I think there's a lot for us to talk about.

But to be quick about it, let me ask a quick question from Ms. Harris at NYSERDA. And I particularly wanted to get some information about Tier 2.

I passed the legislation last year, the Governor vetoed the program. And the first RFP resulted in about 13 megawatts, and the last RFP resulted in zero. So I wanted to kind of see where we were with this Tier 2 program.

NYSERDA PRESIDENT HARRIS: Well, good morning, Senator. And thank you for the question regarding Tier 2.

So indeed the Tier 2 program was initiated by NYSERDA and the Department of Public Service through a request from the Governor. And it was intended specifically
to help retain existing renewables here in New York State. I would say generally it is critical that we maintain our baseline of renewables toward the achievement of our goals for sure, and the program was designed with that in mind.

I am pleased to report specifically that this program has worked, coupled with buying through Community Choice Aggregation, electricity suppliers and private buyers, which are collectively supporting about 60 percent of these resources now.

So I believe generally that our Tier 2 program is working in concert with what has become a robust market interest in these resources, which has not only increased the scale, as I indicated, of interest, but also the price. These assets are paid more than tenfold the amount for the renewable energy attributes than they were paid just a few years ago.

So generally I believe a combination of voluntary interest, regulatory requirements and our purchasing combined to
make an effective program together to support these assets.

We may need to make small changes to the Tier 2 program as we move forward, and we are certainly committed to doing so.

SENATOR PARKER: Thank you very much. My next question is going to be for Rory Christian. And it's really -- there's actually two parts.

The first deals with the issue of hydrogen, and where are we in terms of understanding what we need in order to have hydrogen as a viable source for energy -- clean energy production in the State of New York?

The second question I have -- well, let's ask that one first. Thank you.

PSC CHAIR CHRISTIAN: Thank you, Senator Parker.

So the question of hydrogen as a viable source is being considered and discussed throughout the Climate Advisory Council process. That's probably where the greatest amount of discussion is happening
within the state at this moment.

    In terms of application and
feasibility, the utilities in the state are
engaging in a number of pilots. I can't
speak to the details of those pilots right
now, but I know National Grid and NFG are
each independently participating in a variety
of efforts to determine the feasibility of
hydrogen in end-use applications, everything
from heating, cooking, and everything in
between.

    So those things are being determined,
they're being investigated, and the results
of those investigations will feed into what
options we have available for using hydrogen
in the future as a clean energy option.

    SENATOR PARKER: Thank you.

    So as a result of the CLCPA, kind of
an unintended consequence, is that we kind of
made peaker plants, you know, uneconomically
viable in the state. We then had a number of
cryptocurrency mining operations come in,
purchase these peaker plants and start
running them 24 hours a day, seven days a
week in order to run their cryptocurrency mining projects.

And it seems to me that the operation -- not the cryptocurrency themselves, which I'm for crypto mining, I'm for cryptocurrency in the state. But it has to be, you know, in my mind, done both in kind of consistent policies with the CLCPA and our sustainable energy goals.

What is the PSC doing in order to stop these peaker plants from running 24 hours a day, seven days a week, and adding more to the climate damage that the State of New York has been doing?

PSC CHAIR CHRISTIAN: Thank you, Senator. I'm going to try to parse that out. I know you talked about crypto in your question. I just want to be clear, it's focused specifically on peakers independent of the crypto?

SENATOR PARKER: Well, I'm just talking about the mining operations and the amount of energy they use. I mean, my biggest concern is not how much they're using
as much as the way that they're producing
that energy in a nonsustainable way and in a
way that I believe is counter to what we have
intended with the passing of the CLCPA.

PSC CHAIR CHRISTIAN: Got it, okay.
So I'll do my best to answer that question.
There's a lot in there. But first I want to
start by discussing crypto itself,
crypto mining.

The Public Service Commission does not
regulate crypto mining in the state. Our
regulation with respect to crypto mining at
most would extend to the plants themselves
and their operation. So I just want to flag
that.

Now, I believe what you're referring
to -- you may be referring to the DEC's
peaker rule, which was recently passed,
asking existing fossil-fuel-based capacity in
the city to retire by a certain date.

SENATOR PARKER: Yes.

PSC CHAIR CHRISTIAN: Okay. So in
terms of that, what I can speak to that is I
know there is a process underway to determine
what can be retired in a responsible manner

to ensure that we meet the requirements and

our obligations as a commission. And again,

reliability, safety, affordability and

environmental considerations are the four

pillars of our priorities.

So I know, for the time being, this
effort is underway. It's complicated

specifically because of the uniqueness of

New York City. As I'm sure you all know,

New York City is a load pocket with very

significant needs, and it has certain

requirements for in-city generation that must

be met. So the commission is considering all

options available. We're investigating what

options are viable that maintain those four

pillars I mentioned earlier: Affordability,

reliability, safety and environmental

considerations.

So these are all being looked at and

investigated as we speak.

SENATOR PARKER: Okay. And so

although I guess in your first answer you're

kind of punting on the idea of crypto -- but
these are related ideas, right? Like the fact that these crypto mining operations have come in and bought peaker plants and then are operating them in contravention of the CLCPA, my sense is that the PSC does have some responsibility over that and should be investigating that and understanding how do we keep all agencies and all operating interests in the State of New York operating consistently with the policies that we put forward.

I'm just -- I'm just -- you know, I'm asking for a friend.

(Laughter.)

SENATOR PARKER: But just to move on to another issue -- and I'm not asking -- I mean, we should -- that should be a longer conversation that we should have. And I'm not asking you to do a back-and-forth right now, but I'm concerned about that and certainly wanted to have some understanding about what we're doing policywise in the state.

PSC CHAIR CHRISTIAN: Certainly. And
I'm happy to have that conversation with you offline to discuss further.

SENATOR PARKER: Thank you, Mr. Chair.

And then just kind of a broader question around the CLCPA now that we've actually passed the legislation, the workgroups have put in, you know, their first reports.

What's your sense about how do we pay for -- like, you know, what the cost of the -- you know, of actually implementing the CLCPA, and what's your thoughts about how we should be paying for that?

NYSERDA PRESIDENT HARRIS: Yes, thank you, Senator.

So certainly the question of how to pay for the Climate Act objectives is one that has been central not only to our work in delivering the Draft Scoping Plan on time at the end of last year, but specifically as we pivot now into the public comment period associated with that plan, and notably in the development of the final scoping plan.

We now have a clear direction and a
directive as to what it will take to achieve these objectives. And we also know that the benefits of achieving those objectives will far outweigh the costs. So I see that all in a very positive light.

When we look at the very specific costs associated with the Climate Act's achievement, it is likely true that it will be achieved through multiple means, both -- of course -- through programs like those that we're operating today, but also through an abundance of federal support, private market intervention, and I would say private market purchasing as well.

So the answer is going to depend on the specific initiative. But what we do know is that all of these considerations will be advanced in as robust a manner as they are today, as we consider various programs and policies to achieve those objectives.

SENATOR PARKER: Best no-answer in the history of this committee. But thank you.

I mean, do we have any sense of like what a rough number is of what we might need
to use yearly? Just short.

NYSERDA PRESIDENT HARRIS: Well, certainly when we look at costs versus benefits as part of the Climate Act's objectives, we're looking at the order of hundreds of millions of dollars of costs and hundreds of -- sorry, I'm getting myself turned around. Billions, sorry. My units are off. Hundreds of billions of dollars of costs, but hundreds of billions of dollars of benefits.

So when we look at that generally, Senator, that is a very small percentage of our gross state product, on the order of like 1 percent or thereabouts. So really when we're thinking about our investments, it's really looking at spending those billions in a different way.

One really interesting thing I learned is a good number -- a good amount of our energy spending now is actually directed out of our state. So one major finding was that we really have an opportunity to spend those
hundreds of billions of dollars within our state to invest in jobs and our energy future.

    SENATOR PARKER: So what things can the Legislature be doing in order to direct our energy assets inward to the state, as opposed to our energy going out of the state?

    NYSERDA PRESIDENT HARRIS: So it literally is an opportunity of -- what I would say an opportunity of our generation, Senator, to create literally hundreds of thousands of jobs associated with those, as I said, hundreds of billions of dollars of investment.

    And really when I think about the role that we can be playing together with you as the Legislature, it really is a goal of ours to bring forth not only the workforce that is ready to serve that industry but also the economic development opportunities that will come with it.

    We're already seeing investments in our state. A great example was an investment in Western New York recently in EV battery
manufacturing. We need to work together to bring those investments here and to have the workforce ready to serve those industries.

SENATOR PARKER: Okay, thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

SENATOR PARKER: I yield the rest of my time, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

And we will appreciate each person who might yield their time.

Helene Weinstein.

CHAIRWOMAN WEINSTEIN: Before we go to questions, we've been joined since we began with Assemblymember Barrett, Assemblymember Mamdani, and Assemblymember Buttenschon.

And we go to Assemblyman Cusick, chair of our Energy Committee, 15 minutes.

SENATOR KAMINSKY: Mike, you're muted.

ASSEMBLYMAN CUSICK: Thank you, Todd.

Thank you, Madam Chair. Thank you, Chair Krueger.

The 15 minutes could be a blessing in the sense that I think Senator Parker has asked all the questions that many of us
probably would have, but I will piggyback on some of these.

Generally I'd like to ask our panelists -- I want to just follow up on the question of the cost going forward with the Climate Action Plan, and to ask -- maybe this is a NYSERDA question or a general question -- has there been an analysis or is there an analysis being done as we speak with the Climate Action Council on costs to ratepayers as we go forward? Because that is a big question that many of us get in our districts.

NYSERDA PRESIDENT HARRIS: Certainly, Assemblymember. Thanks for the question. And I'll try to build on the answer I had just provided to the Senator.

So -- so the reality is that not all of these costs will be borne by ratepayers in the state. When we think about the future of what we need to achieve, it's really going to be a mix of not only funding sources but also policy levers that will help to achieve the goals of the Climate Act.
A great example would be this year's proposal by the Governor to electrify or make electrification-ready 2 million buildings. That comes with a robust legislative agenda. And so that isn't a cost necessarily that will be borne by ratepayers but rather be the product of codes, appliance standards, and other efficiency measures.

But in the instance that there are costs to be borne by ratepayers, what we all know is that any of those costs would be considered with the same scrutiny that we see now.

As -- a great example is the filing that is before the commission now I referenced with respect to the Champlain Hudson Power Express and the Clean Path New York projects, where it is literally a significant document looking at ratepayer impacts across classes, across time and across geography. That's really how we'll be thinking about each of these programs, with that same scrutiny, should those costs be proposed to be borne by
ratepayers.

ASSEMBLYMAN CUSICK: Okay. And again, I appreciate your answer. And I would just ask that as the council moves forward with its work that there is a concern about energy affordability for ratepayers and for our constituents. If at some point as the council is going forward that something more specific maybe could be worked out, that people will have an idea -- you know, maybe not a specific idea, but a ballpark idea how this is going to affect them in paying their bills -- I know that many people now, it's a big percentage of their budget, their home budget and going forward.

And folks want to generally meet these renewable goals that we have set, but the concern I do hear and many of my colleagues hear is, How is it going to affect my wallet and my family as we go forward? So I appreciate that, President Harris.

I'll stick with NYSERDA right now. I'm just -- I lost the president here. But
going -- let's see. President Harris, with the federal funding that we're getting, do we expect to have the involvement with the distribution of federal funds for the deployment of electric vehicle charging stations?

NYSERDA PRESIDENT HARRIS: Certainly, Assemblymember. Can you hear me? You said you'd lost me.

ASSEMBLYMAN CUSICK: Yeah, you're back. You're back there, yeah.

NYSERDA PRESIDENT HARRIS: Oh, good. Yes, certainly --

ASSEMBLYMAN CUSICK: I had a big picture of Senator Kavanagh there on my screen, so I'm glad to see you. So --

SENATOR KAVANAGH: That can be distracting.

(Laughter.)

ASSEMBLYMAN CUSICK: Yes. Yes. Yes.

NYSERDA PRESIDENT HARRIS: Well, thank you for the question.

And when we focus our efforts for 2022, it is very much through this lens of
what I would say is a unique and critical opportunity to leverage federal investments in pursuit of the Climate Act goals. And certainly electric vehicle charging infrastructure is among them for sure.

We are working already with the Department of Transportation specifically around the formula program that we anticipate moving forward under the Infrastructure Investment and Jobs Act. It is a massive amount of investment that we see potentially moving forward, around $175 million total, that is going to be hugely critical in achieving specifically the penetration of charging infrastructure that we need to electrify our vehicles across the state.

So I would say that is one of our primary focuses, among others, in our engagement from the federal government.

ASSEMBLYMAN CUSICK: Are there any actions being taken now to facilitate the deployment of the fast charging stations? Is there any specifics you could fill us in on that maybe is happening right now?
NYSERDA PRESIDENT HARRIS: Oh, certainly.

We have -- we have collectively, first of all, contributed to a record increase in the number of electric vehicles sold in 2021. The number I had been told at the end of '21 was about 90,000 EVs on the road as of the end of the year. And we are at about 9,000 charging stations across the state, just to give you some idea of scale.

And so when we look into the future, it's really all about expanding on that scale that we have achieved and really need to achieve moving forward. And that is going to be the product of a number of different initiatives that we have underway, both at NYSERDA and then across other agencies as well.

Collectively, we need to get to about 50,000 charging stations in the state by 2025, but we believe between NYSERDA, the Public Service Commission's EV Make-Ready program, NYPA programs, tax credits, and I said federal funding, we feel confident that
we will be able to hit those goals.

ASSEMBLYMAN CUSICK: Thank you. Thank you. I'll switch over to the PSC right now.

Just basically on that same topic, Chair Christian, you know, as was mentioned I believe in your testimony, last year we passed a bill that requires the commission to undertake a proceeding to facilitate the development of the fast-charging stations.

What is the status of those proceedings, Chair?

PSC CHAIR CHRISTIAN: Okay. So I think you're referring to the Make-Ready initiative?

ASSEMBLYMAN CUSICK: Yes.

PSC CHAIR CHRISTIAN: Okay, great.

Just wanted to be clear.

So the PSC announced the Make-Ready initiative I want to say 2020, July 2020, and that established the 50,000 charging station target by 2025. The goal of the program was to stimulate I want to say $1.5 billion in investment to electrify transportation throughout the state. With renewables
representing a greater portion of the state's
electrical supply, having EVs available was a
good way to balance that and leverage that
growth. There are synergies associated with
it too.

So the idea, through this program, is
through thoughtful siting and charging
infrastructure we can support reducing
installation costs, improve the site -- the
acceptance of the sites, the hosting of the
sites, and maximize use for drivers.
Essentially place the chargers where they'll
be used the most.

So the program itself is funded by
investor-owned utilities in the state, and
they create a cost-sharing program that
incentivizes the utilities and the charging
station developers to site that
infrastructure in places that will provide
the greatest benefit. So the order that we
passed has a funding cap of roughly I want to
say $700 million for the program to run
through 2025, and of that 700 million roughly
200 -- a little over 200 million is allocated
towards equitable access, ensuring that the benefits are achieved in disadvantaged communities.

Disadvantaged communities are also going to be eligible for a higher incentive level. They could ultimately get charging stations installed where the cost is fully covered.

So again, the goal of the program is to encourage private investment in publicly accessible fast-charging stations, with the goal of stimulating the EV market in New York State over the next few years. And again, the work is going to be done primarily by the state's investor-owned utilities. And again, it will run till 2021 {sic}. I believe a similar Make-Ready program, after the IOU program I just discussed, was also presented in the LIPA board meeting in December 2021.

ASSEMBLYMAN CUSICK: Great. Well, thank you. Thank you, Chair, for that. It's very helpful for us in the Legislature.

I want to -- I don't want to leave out our panelist from ORES, so I'd like to ask
some questions to ORES. Executive Director,
I just want to ask: How many people work for
ORES currently?
ORES EXEC. DIRECTOR MOAVENI: Thanks
for the question.
Since the early days of ORES's
existence, we have pursued two strategies.
Strategy number one, we formed a transition
team consisting of staff from multiple state
agencies, primarily from DPS, DEC, Ag &
Markets and Office of Parks, while we're
pursuing our second strategy on a parallel$path, which was recruiting and hiring
permanent legal and technical staff at ORES.
So currently ORES, as I mentioned, has
a team that -- credited a team. We have met
all our statutory and regulatory deadlines
and milestones for a pipeline of 63 projects.
Currently ORES has 11 full-time employees.
ASSEMBLYMAN CUSICK: And does that
handle all the permits that are coming across
your desks? I mean, is there -- I'm sure
asking this question to a head of an agency,
do you need more staff, the obvious answer is
yes.

But the question really is, is the permitting being handled efficiently now with the number that you have?

ORES EXEC. DIRECTOR MOAVENI: Absolutely, yes. We have -- based on our available resources, we have managed the current workload and we anticipate to be able to manage the anticipated workload in the next fiscal year as well.

ASSEMBLYMAN CUSICK: Okay. And when we were forming this in the Legislature, and the process for the siting, there were concerns. And we're still hearing -- as chair, I'm still hearing concerns from members. There's a lot of concern that ORES will take viable agricultural land and override local concerns.

Is that happening, to your knowledge, at this point?

ORES EXEC. DIRECTOR MOAVENI: This topic is very near and dear to my heart. We certainly recognize preserving our most productive farmland in New York State,
consistent with the New York State Constitution. And the office position is that both renewable energy projects and agriculture and farmland can coexist and can and should maintain financial viability.

There is a balancing act on all renewable energy development, including solar and wind. We have developed a comprehensive set of regulations, in consultation with my colleagues from Ag & Markets. We strongly believe that the regulatory framework would allow us to consider potential impacts to farmland and come up with appropriate measures to avoid, minimize or mitigate such impacts to the maximum extent practicable.

ASSEMBLYMAN CUSICK: Appreciate that.

I didn’t realize how fast this time goes, so I just quickly want to ask, how many sites have been fully processed at this point?

ORES EXEC. DIRECTOR MOAVENI: So we have issued, to date, only four final permits with -- again, just going back to the previous question, three out of four are
solar projects, and those -- they have de
minimis impacts to farmland. So --

ASSEMBLYMAN CUSICK: How many are
currently in the pipeline, would you say?

It's --

ORES EXEC. DIRECTOR MOAVENI:

Sixty-three.

ASSEMBLYMAN CUSICK: -- that are
done. How many?

ORES EXEC. DIRECTOR MOAVENI:

Sixty-three.

ASSEMBLYMAN CUSICK: Okay. Well,
thank you. Thank you for answering the
questions.

And even though it's less than a
minute, I yield the rest of my time.

CHAIRWOMAN WEINSTEIN: Back to the
Senate.

CHAIRWOMAN KRUEGER: Thank you so
much, Assemblymember Cusick. Appreciate the
time.

Next, to Senator Todd Kaminsky, chair.

SENATOR KAMINSKY: Thank you very
much. My first question is going to be for
Chair Christian.

In light of the Texas catastrophe last year, as well as a very interesting Boston Globe story last week about New England systems operators getting together concerned about reliability, Mr. Christian, are you able to just give us a a very blunt statement about where you think our grid reliability is right now?

How concerned are you, and how confident are you that we're not going to have a rolling blackout situation if there's a snap of cold weather or something similar?

PSC CHAIR CHRISTIAN: Blunt statement. Well, let me think for a second here.

What I can tell you is having lived through the Northeast Blackout in the early 2000s, Katrina, Sandy and a number of other events, I can say without hesitation that New York's grid today is at the strongest it's been in a generation.

The investments that we have made here, the investments the utilities have made in New York State to reinforce the grid and
improve its reliability are, in my opinion, second to none. We have some of the highest reliability metrics as recorded by the industry. And if the indication for the most recent storm is any indication of what we can expect in the future, outages are addressed quickly and with intent, with deliberate intent.

So I can say maybe not bluntly, but definitely with certainty that the grid is better today than it was in the past.

SENATOR KAMINSKY: Thank you. As you consider taking peakers offline -- so, for example, I have the Barrett peaker in my district -- how are you going to go about making those decisions? When will we get a roadmap of when we expect to have more renewables, less peakers?

And I hope in those considerations you're also taking into account the populations of the people who have lived there and are certainly going to be losing a large amount of tax income and have been polluted on for a long time and then all of a
sudden it goes away -- which is good for the
air, but may cause other collateral issues.

So I just want to get a sense of how
we should be expecting that in New York over
the next few years and when we'll get a sense
of what will happen when.

PSC CHAIR CHRISTIAN: Okay. So in
terms of the peakers themselves, you know,
when I think of the peakers, I don't look at
them in isolation, I look at them as a single
part of the grid as it is today.

And I think of the investments that
are being made through Governor Hochul's
efforts to modernize the grid, but also
through the CLCPA and other initiatives,
they're all about creating the grid of
tomorrow. And the challenge with the grid of
tomorrow, which is not here yet, and we're
not entirely sure how it's going to take
place, it's hard to make predictions as to
what form and shape that will take.

Ultimately we at the commission have
to, as I've said before, stand by our main
pillars -- again, reliability, safety,
affordability and environmental considerations. And so those are going to be the guiding principles about how decisions will be made in the future.

Specific to peakers, I can't answer that question yet. And, you know, the main reason I can't answer that question yet is though we have a fairly good idea of our ability to hit the 2030 targets that we have set, others have -- there's a number of reports that raise questions as to our ability to hit the 2050 targets and what technology and how it will be deployed to meet those targets.

So to the degree we can lower emissions, we'll do whatever we can to make that happen. To the degree that we can address lost tax revenue, I think we have a fairly robust model for that already in the state, and I believe what we're doing through the Indian Point decommissioning could serve as a template for further decommissionings should they arise.

But ultimately the timeline and the
pathway have not yet been fully defined. But as they are defined, again, they'll be in line with the commission's guiding principles and guidelines.

SENATOR KAMINSKY: Thank you, Mr. Christian.

Just to be clear, you know, there is not yet -- I mean, there is a template for Indian Point, but there is no conversations going on with local school districts. Senators Skoufis, Gaughran and myself, we all have peakers that are going to be losing half the schools' revenue over the next few years. In light of LIPA and other tax challenges, we obviously don't expect them to be peakers much longer either.

But there's no one telling anything to those school districts, and they're either planning for massive tax increases or to shutter. So I'd love to continue that conversation with you in the future.

To switch gears very quickly, your commission has worked very closely with us on the American Water issue. Nassau residents
have been paying exorbitant prices for water.

Quick question for you: Have you heard from
anyone from the Town of Hempstead about the
South Shore Water Authority or any
Long Island localities about municipalization
of American Water's territory?

PSC CHAIR CHRISTIAN: So the specific
time.

question, have I heard from anyone in
Hempstead, I do not believe I've heard from
anyone directly in Hempstead about the
municipalization of New York American Water.

I can speak to the provisions in the
order allowing for a study to investigate
municipalization, but aside from that I've
not had any direct conversations at this
time.

SENATOR KAMINSKY: Okay, obviously
I'll let you run your commission as you see
fit. But it might be worthwhile to reach out
to them.

You know, we established the
Governor signed the ability to create a water
authority that could take over this, you
know, private entity that's really been
hurting our constituents. And if the Town of Hempstead is not going to do anything about it, it might be worthwhile for you to check in to say: You realize you have this ability. Do you plan on using it? What do you need from us to help you?

The idea that this is just sitting there and no one's doing anything about it I think drives constituents crazy.

I'm going to now turn to Chair Harris.

On a level of 1 to 10, 10 being the most confident, how confident are you that we are going to reach 70 by 2030?

NYSERDA PRESIDENT HARRIS: Oh, I would give that a near 10, Senator.

And I'll tell you, it is on the basis of the pipeline of projects that I see moving forward expeditiously, as well as the private market response that we've had to the certainty that we've provided with respect to our goals.

I had mentioned in my opening testimony that when we add all of the projects that we have contracted and under
development as a state, we will be at
63 percent by 2030. And we see a future
where we see even more offshore wind and
other renewables being brought to bear toward
that 2030 goal, including our 2022 offshore
wind procurement.

SENATOR KAMINSKY: I don't think --

NYSERDA PRESIDENT HARRIS: So the
state -- sorry.

SENATOR KAMINSKY: I don't think
"pipeline" is the word you want to use. But
I know what you mean.

(Laughter.)

NYSERDA PRESIDENT HARRIS: Well,

hopefully a different version of the
definition. But yes.

SENATOR KAMINSKY: I know that "green
hydrogen" is one of the things being debated
in the Climate Action Council, but it seems
that the Governor has taken a strong stand on
the side of trying to give it a go in light
of what's in the budget, trying to be a Green
Energy Hub seen through the eyes of the
federal government.
You agree that we should do everything we can to explore to see if green hydrogen has a place in our economy trying to reach the goals that are ambitious in the CLCPA?

NYSERDA PRESIDENT HARRIS: Absolutely. The Governor's State of the State proposal to participate in and win one of the Green Hydrogen Hubs offered by the federal government is an example of that commitment.

Just to give you an order of magnitude, that is an 8 to 10 billion dollar commitment by the federal government. We as a state not only have the preconditions, I believe, to not only advance a hub in New York, but also to really think about hydrogen and specifically green hydrogen as a resource that can be brought to bear to help us with some of these tough-to-decarbonize sectors across our economy, as well as the innovation needed to really bring solutions forward to address some of your earlier questions around reliability.

So we're excited and believe the time is right to not only advance the work we have
underway, but also in concert with the federal government.

SENATOR KAMINSKY: Can you flesh out some of the details in the Governor's budget about the electric school bus mandate by -- I think it's 2035? School districts and operators are asking me where is the money coming to do this, how is this going to happen, how soon. Are there any other details you could provide for us about that exciting mandate?

NYSERDA PRESIDENT HARRIS: Certainly. It is exciting, because when we think about our Clean Green Schools initiative that I had described in my opening testimony, it is also the case that we see a need to electrify transportation in the form of buses as well.

So we've already, through our truck voucher incentive program, brought forward rebates for electric trucks and buses, but when we think about school buses, it is the case that they are unique -- unique not only as to the opportunity but also the challenges.
So when we think about it, we see a very significant investment from the federal government, first of all, that we intend to leverage toward the achievement of this goal. As I had answered earlier, there's a big investment from the federal government. But also we see opportunities through this Clean Green Schools initiative to advance additional investments as well as a fundamental shift as to how these buses are purchased and amortized over time.

It's going to require a few changes, but I would say one that is not only necessary but a huge health benefit opportunity for our students as well.

SENATOR KAMINSKY: That's great. I'm going to -- Doreen, I may come right back to you.

Mr. Moaveni, some questions for you. There has been some consternation from some renewable energy developers watching your office move, especially in light of the Heritage Wind project. And they're very concerned that when you receive a suggestion
from the Wildlife Division of DEC, you are
taking it as gospel and kind of stopping
projects in their tracks or cutting them back
or paring them back.

Can you give us the exact order of
operation of what happens when you receive a
recommendation from DEC, how that impacts
your decisions and whether you feel your
office is moving along at the right pace to
make sure we're reaching our goals?

ORES EXEC. DIRECTOR MOAVENI: Thanks
for the question, Senator.

The office -- as a part of the office
regulations, we have established a hearing
process which is based on the DEC hearing
framework which has been in place for over
40 years. So the office essentially
implements that hearing process for -- in the
case of Heritage Wind, which I believe that
the decision speaks for itself. And I don't
want to necessarily on this meeting get into
the specifics of it.

A significant and substantive issue
raises a part of the hearing process, and
that's really based on a project-specific and
site-specific wildlife/natural resource
impact. And given that this decision might
still go through an appeal process, I
respectfully have to limit my response to --
I'm going to ask you to go back to the
decision, and I will be happy to answer any
specific question you might have about the
decision.

SENATOR KAMINSKY: Yeah, I will just
say generally I think that, you know, your
office was created because projects aren't
moving fast enough. Our goals are really
hard to reach as it is. And I'll speak for
myself, we're hoping that you'll be able to
move things faster. You know, a backlog of
63 projects is quite eye-popping, and we're
hoping that you'll be able to move with all
deliberate speed, and we want to help you in
any way to be able to do that.

ORES EXEC. DIRECTOR MOAVENI: So as a
general matter, Senator, as long as a
developer can address major issues and
communicate with our office.
communities and there is no significant and
substantive issue raised between the whole
hearing process, I'll go on the record to say
that we would like to issue those final
permits in less than eight months.
In cases that actually we have any of
those issues, we are going to use the full
statutory deadline that we have to issue
final permits.
As I mentioned, Senator, the office at
this point has met all statutory and
regulatory deadlines and milestones,
including this pipeline of 63 applications.

SENATOR KAMINSKY: Thank you.
Ms. Harris, I'm going to end just with
two points. I just want to ask you to
address -- to see if there's something that
you're thinking about in performing your
jobs.
Two points that I've found to be
particularly frustrating in just daily life
and trying to make sure our state is in sync
with the goals that we've set. One is I'm
finding that when people are rehabbing their
homes or building homes that the experts and
the contractors they're talking to are not
advising them on green options.

    In other words, you know, you ask your
plumber what can I do, and they say, Here's
the latest type of gas boiler. Sometimes a
heat pump is not even something that is
entertained or not seen as reliable. And I
think when you lose that point of decision,
you lose 10 years of that person, you know,
not burning fossil fuels every day that he or
she doesn't have to.

    And the second thing is with state
purchasing. It's just very odd to have SUNY
build a dorm with a gas hookup, with the Long
Island Rail Road to buy a diesel engine. So
with respect to people's daily lives and
their homes and with respect to SUNY
purchasing, I'm not getting the sense that
the state is viewing everything with the
sustainability and green lens that the CLCPA
requires to reach its goals.

    NYSERDA PRESIDENT HARRIS: Thank you,
Senator.
I would agree that we need to apply the same pace and urgency in our buildings as we have demonstrated to do so in our power-generation sector. I would agree with you because of the scale that we need to hit to decarbonize our 6 million buildings across our state.

So I know you're aware, but when we invest money in workforce development, we do so through this lens that we need more people advancing building decarbonization and electrification in an informed and responsible manner. So I know I had a great tour of one of our training partnerships, as an example, for heat pump training programs that really is necessary to be expanded at the scale commensurate with the objective.

And similarly to your point, we need to lead by example as a state. That's one core principle of the Climate Act and one that I know we all take very seriously and we need to take seriously with every decision we make -- to your example, as the SUNY system and broadly as agencies as well.
So we do know Governor Hochul has set forth a very direct agenda with respect to green procurement by state agencies, and it is something that I believe is central to the needs that are inherent within the Climate Act.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR KAMINSKY: Thank you. Thank you, Chair Krueger.

CHAIRWOMAN KRUEGER: Thank you very much.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: Yes. Before we go to our next questioner, during this past conversation we've been joined by our chair of EnCon, Assemblyman Englebright, our chair of Agriculture, Assemblywoman Lupardo. Also Assemblywoman Cook and Assemblywoman McMahon.

And now we go to the ranker on Energy, Assemblyman Palmesano.

CHAIRWOMAN KRUEGER: And right before you start -- sorry -- Senator Pete Harckham has joined us, Senator Leroy Comrie. Senator Jim Tedisco I think wasn't here earlier. And
no doubt some others who already have their hands up who have also joined.

Thank you.

ASSEMBLYMAN PALMESANO: Is it okay to go?

CHAIRWOMAN KRUEGER: Yes, thank you.

ASSEMBLYMAN PALMESANO: Okay, thank you.

The first comment I had real quick for President Harris, just a couple of quick things, first on the CAC comment period. I first strongly believe that comment period needs to be extended beyond 120 days for something as far-reaching and impactful as the CLCPA is going to have on our overall economy and our residents. Four months is not enough. I would argue we probably need a year, but minimally nine months to get full input from across the spectrum on this far-reaching act.

And also I'm hoping that NYSERDA -- you guys will release your E3 study that was made to determine your cost-benefit analysis.

So now to my questions. I was glad to
see my colleagues Chairmen Parker and Cusick talk about costs, and I wonder about the costs. The fact of the matter is our constituents -- farmers, families, seniors -- are going to take it on the chin. That's a fact.

And I hear often talk about affordability and reliability coming from obviously the PSC and NYSERDA, but I don't see that. I see a lot of action around clean green and renewable.

I guess my, you know, first area is do you even consider the impact to the ratepayers on these programs? For example, I know in the three-year strategic plan from 2021 to 2024, NYSERDA had an anticipated commitment of $12.7 billion which would have to be approved by the PSC. That's going to go right to the ratepayer. And this is on top of the 3.4 billion that was put in place as of the June 30th Clean Energy Fund quarterly report.

So on that front, do you even take into consideration the cost to ratepayers on
that front, and then on the other front
relative to electrification? I mean,
everyone talked about electrification, how
great that is, but the fact of the matter is
there are studies in -- I think in the CAC
report that talked about $20,000 to $50,000
for conversion costs. The Consumer Energy
Alliance talked about $35,000; others are
saying more.

How do we quantify the impact this is
going to have and tell people that they're
going to have to pay $35,000 to convert their
homes over to be electrified? So in 2030
when their gas boiler goes, they're not going
to be able to replace it with a gas boiler.

How do you expect and justify the
amount this is going to cost us? And I know
you always say the benefits outweigh the
costs, which I wholeheartedly disagree
with -- not when New York only contributes
0.5 percent of the total carbon emissions
globally when China, which has 29 percent,
continues to build coal plants and increased
their carbon emissions by 9 percent in the
first quarter of last year.

So how do you address the cost issue a little bit more, especially on the electrification, $35,000? You know, the public has no idea this is about to hit them. So how do you address that issue?

NYSERDA PRESIDENT HARRIS: Great. Well, thank you. Thank you for the thoughtful questions.

And just to double back and to ensure you're aware, the study that you have referenced actually was a critical foundation for the scoping plan that was issued in draft form at the end of the year and the integration analysis that accompanied it. So the study you referenced is available on the Climate Act website, and if you -- I'll be glad to follow up with a link just so you can have it for a reference.

And also with respect to the comment period, of course, we are excited about the engagement we are about to undertake directly with the public. And I would agree with you that we of course need to maintain the
schedule established for the final scoping
plan. But to the extent that we need to
extend the comment deadline to accommodate
additional public feedback, we're certainly
open to doing so. So just to make sure I
close those out.

ASSEMBLYMAN PALMESANO: Thank you.

NYSERDA PRESIDENT HARRIS: On the
issue of costs, rest assured these issues are
central to everything that we are doing. The
benefit-cost assessment that you referenced,
it's looking at societal benefits versus
societal costs. And that's critical in the
most macro of senses -- i.e., is this worth
doing. I am very confident that the answer
to that is yes, on balance.

And when we look at individual
programs, I couldn't agree more that we need
to look very carefully at the impact on
people, people who in many cases are
stretched to pay the bills that they have
today.

So when we think about what we're
doing, one thing I would like to build on is
the scale of the commitment that we are making as a state. And when we think about the scale that we are committing to as a state and as a globe, what we see is a huge movement that can improve costs significantly. Technology costs, like we've seen with solar, as an example, which have been reduced significantly, almost an order of magnitude over time.

And we need to see those same cost reductions with other technologies for those exact reasons you point out. And we need to scrutinize carefully the incremental costs for every decision we make.

A great example is NYSERDA's Clean Energy Fund, which is actually designed to reduce, over time, ratepayer impacts of these collections. And the Public Service Commission's order which authorized the Clean Energy Fund through 2025 confirmed that.

So I would say I agree with you, and as every decision is made, it will be central to our considerations.
ASSEMBLYMAN PALMESANO: Thank you.

I was going to talk a little bit about reliability, but I want to skip to another area issue, too, because there's been a lot of talk about electric vehicles and how great this is going to be for our state, for our environment.

But are you taking into account the intensiveness, energy intensiveness, the effort that has to go into mining these rare-earth materials, particularly when 70 percent of the cobalt comes from the Republic of Congo, Democratic Republic of Congo, which is having serious human rights and environmental issues with children dying, mines collapsing, they're dying and they're being maimed.

Don't we have an obligation, you know, instead of just pushing electric vehicles when 70 percent of the cobalt, which is made into these electric vehicles, is coming from there, where there are lawsuits and, again, where there are children dying, where there are children being maimed and individuals
being maimed. And this is a poor country, and they're being taken advantage of by this.

Don't we have a responsibility -- because we always talk about climate justice and economic justice for disadvantaged communities. This is something that -- it's almost like, from my perspective looking at this, like the end justifies the means. And the fact of the matter is there's a major problem. The same thing with lithium. And, you know, China controls the market on lithium.

Or, you know, let's talk about the solar panels. They control the solar market. Then you're going to have a major -- they're going to control our whole market. But I'm very, very concerned about this child labor and these children being exploited in the Republic of Congo, where 70 percent of the cobalt is coming from. How are you addressing that issue? Isn't it going to be addressed?

NYSERDA PRESIDENT HARRIS: Yes, you're identifying what is in fact a global issue
with some of the materials that are precursors to the technologies that we are utilizing now. And we certainly are not alone in those concerns, which I share with you as well.

We see actually movement from the federal government to address some of these issues. But as a general matter, it speaks to not only equity in the most global of senses, but also security.

And in this instance, this is where innovation really comes in, and this is why NYSERDA is committing $800 million under the Clean Energy Fund to the topic of innovation, because we need better solutions, to your point, that minimize impacts but also create new solutions technologically to address the needs inherent within the Climate Act.

I would say also, just generally, the private market is responding to this challenge as well, with new technologies, new sources, and frankly new chemistries that can address some of the points you had made.

ASSEMBLYMAN PALMESANO: Well, I think
that's a really big issue with how we're mining these materials and the fact that China controls the market -- and, again, what's going on in the Republic of Congo, with 70 percent of the cobalt, and what's happening over there.

I want to get to the reliability issue. I don't hear a lot of talk about reliability coming out of the CAC. The most important thing we have to have is reliability. I know there's provisions in the CLCPA to say if there's a question about reliability, to put the brakes on. And I would urge you to pay attention to that, because I think that's a big issue. You know, even the NYISO's expressed concerns.

And the fact of the matter is when we talk about full electrification, when 60 percent of the people in New York State heat their homes with natural gas -- it's like 94 percent in Western New York. With the freezing temperatures we have, how can we sit there and say we're going to rely on the solar and wind when we don't have the storage
capacity to provide heat and lights to our families, to our small businesses, to our manufacturers who rely on that?

I think there's a tremendous reliability issue here. And the heat pumps, from everything I'm reading about it, they don't do well in Arctic temperatures or cold temperatures, where in the North Country they're below zero, or in Western New York. I mean, that's a problem. But reliability is an important issue that needs to be addressed, and I think you absolutely need to keep an eye on that. Because if we can't meet our reliability needs, then we shouldn't be moving forward with this.

And it goes back to that, the reliability and the affordability for people. And I just -- how do you address the reliability? Because the costs regarding reliability is a big issue. People need to have lights on, the heat on, because otherwise if people can't heat, they're going to die.

CHAIRWOMAN KRUEGER: I don't think
he's given you time to answer. You may need
to get him the answer offline.

ASSEMBLYMAN PALMESANO: Well, I think
reliability is a good answer for everybody,
given the far-reaching impact of this,
Madam Chair.

And in the time we have, I think
President Harris, being the cochair of the
CAC, should be able to answer the members of
this body about reliability, which is a key
component of our energy --

CHAIRWOMAN KRUEGER: She's run out of
time, unfortunately, with your questions.

CHAIRWOMAN WEINSTEIN: Right. This is
a reminder for questioners to leave time for
the answer to your question.

And we'll now -- we've been joined by
Assemblyman Dilan, and we'll turn it over to
the Senate.

CHAIRWOMAN KRUEGER: Thank you very
much, Assemblymember.

Our next questioner is Pat Ritchie,
the ranker. Hi, Pat.

SENATOR RITCHIE: Thank you. Thank
President Harris, I'd just like to start off by saying I appreciate your statement that you're going to look at the impact on people. Many of the people that I represent right now are struggling, and so this extra cost, honestly, they're not going to be able to -- they're not going to be able to do anything to offset that.

Home heating costs are up 20 to 30 percent this winter, and we have already had, in my district, multiple days of 20 to 30 below zero. There was a mention of heat pumps a few minutes ago. I have a constituent who just bought a new heat pump and invested in it, and the heat pump will not work because the weather -- the temperature is so cold.

So either for NYSERDA or PSC, can you tell me what is causing the huge spike with regards to heating costs? And is there anything that can be done immediately to help homeowners?

NYSERDA PRESIDENT HARRIS: Certainly.
Chair Christian, maybe -- would you like me
to start with that?

PSC CHAIR CHRISTIAN: Yeah, I can
follow up after, yeah.

NYSERDA PRESIDENT HARRIS: Okay,
certainly.

So we certainly do need and continue
to prioritize affordability and, to the prior
question, reliability in every decision that
we make. Certainly we at NYSERDA have a
number of programs that are focused on just
that, which is bringing forward solutions to
help address people's challenges with bills
and other, I would say, adoption of
technologies that really can help them in the
long term, not only from a cost perspective
but, again, from a decarbonization
perspective as well.

When we talk about heat pumps, I need
to say: Heat pumps work in cold climates.
They work in northern Europe, as an example,
where it's even colder than it is here today,
at a scale which is commensurate with the
scale that we really need to achieve as a
state to achieve the Climate Act goals.

But it is the case that we need installations that are smart, that are coupled with highly efficient homes, and technologies that are designed to work in cold climates like upstate New York in particular.

So for your particular constituent, I would hope they would reach out directly to NYSERDA, as we're happy to help with the solutions that are needed to achieve that objective.

Generally, though, with respect to the variability and I would say the challenges of fluctuating prices, it is largely the function of the grid that we have today, which is highly reliant on natural gas and volatile prices that come from forces far outside of New York.

So ultimately one primary goal of the future that we see is to address some of those issues with volatility and prices. The adoption of electrification technologies and a highly clean, localized grid can really
help in that respect, and it is a future that we see as beneficial for reasons as described, including the question of stable pricing that people can plan around.

Chair Christian, anything you would want to add?

PSC CHAIR CHRISTIAN: I think you've done a great job of capturing the global perspective of it. And I want to -- you know, I think it's important to recognize that this is truly a global issue. Energy costs in Europe right now are among the highest they've been for a variety of reasons, some of which are supply-based, some are political in nature.

But ultimately there are two sides to the cost conversation. There's the cost of the commodity itself, and then there's the cost of the infrastructure needed to bring that commodity to that person's home, be it natural gas, electricity, whatnot.

You know, looking at what the Public Service Commission regulates, we regulate investments in that infrastructure.
And thinking through where those have been over the last two years, I think back to 2021 in particular, you know, given the quantity of dollars utilities have requested, and I look at the approvals that the PSC has provided. Ultimately when you compare the two, the PSC has approved cost increases of 8 percent of what the utilities originally requested.

So we've done a fairly aggressive job of keeping costs for infrastructure in line. And that's the role that the commission and staff will continue to have and hold.

But again, from an affordability perspective, I also want to reinforce the existence of the various energy affordability programs that exist within the state, many of which have been expanded in response to the hardships individual consumers are experiencing as a result of the pandemic.

So in addition to maintaining a posture where we're rigorously reviewing the costs for the infrastructure needed on an ongoing basis, as a core responsibility of
our role we're also ensuring that those in
need have the resources with which to
continue and maintain the service upon which
they rely.

SENATOR RITCHIE: Okay. And just as a
follow-up to the Assemblyman's question, what
is the state doing to ensure that the
reliability of the energy system will not be
impacted by the provisions under the CLCPA?

I don't know if you want to address
that or NYSERDA wants to.

PSC CHAIR CHRISTIAN: Yeah, I can take
that.

NYSERDA PRESIDENT HARRIS: Okay. I --
PSC CHAIR CHRISTIAN: Well, I'll take
this one.

Again, in terms of -- that is the core
function of the Public Service Commission,
one of the core functions, to ensure
reliability.

Again, the Draft Scoping Plan has been
released. A final plan, as you all know, has
not been finalized. So the exact steps and
actions we will be taking to meet the goals
have not been fully defined.

   We have a clear path on where we need
to go with respect to installing renewable
ergy. And as has been stated by President
Harris, we're well on our way to meeting
those goals for 2030. The key is then
establishing the infrastructure and system to
ensure the reliability is met.

   So that is at the forefront of our
work. That's ever-present in our thinking
and our approach and is a key priority and
something that will not go unaddressed as we
move forward.

   SENATOR RITCHIE: Okay. I'm going to
kind of change directions here. My next
question is about the 500 million for the
development of offshore wind ports'
manufacturing supply chain infrastructure.

   Can you tell me where the money will
be used and where the wind turbines will be
located?

   NYSERDA PRESIDENT HARRIS: Certainly.
This year's Executive Budget from Governor
Hochul includes a $500 million line item for
the provision of investments in New York's port infrastructure.

That is anticipated to be expended over a period of five years, just for clarity, because it is the case that these ports will take a number of years to be developed and advanced and ultimately serve the industry.

So New York, under the Climate Act, has the largest offshore wind goal in the nation. And what we are seeing is really the manifestation of the achievement of that goal with significant investments by the private sector in our ports, in supply chain activities, and in jobs that are really bringing forward what I would say is a once-in-a-generation industry right here in New York.

So the Governor's commitment is really intended to build on what we're seeing. We already have five ports that are serving the industry. And we know we can, with this investment, achieve not only a number of additional ports or expanded ports serving
the industry, but we expect three-to-one leverage by the private sector with that investment. And it could be coupled with what we see are significant investments from the federal government as well.

So what we expect to see are new activities advancing across the state and thousands of jobs to support it.

SENATOR RITCHIE: Okay. Can I just follow up -- sorry, can I follow up with one question?

NYSERDA PRESIDENT HARRIS: Certainly.

SENATOR RITCHIE: So if you have a community that is totally opposed, is that something you're going to work with the community? How will that play out?

NYSERDA PRESIDENT HARRIS: Well, certainly when it comes to projects and ports -- is your question both?

SENATOR RITCHIE: Mm-hmm.

NYSERDA PRESIDENT HARRIS: Certainly.

We take very seriously not only community engagement but community support for projects. We actually at NYSERDA have a team
that it is their exclusive job to work
directly with host communities to help ensure
that they have the tools and resources needed
to engage fully in processes like the siting
office's processes and beyond.

And what we see are communities that
are raising their hand to host projects, and
those communities that need additional help.
That's what we're here to do, to help make
projects sited responsibly that we can all
support.

SENATOR RITCHIE: Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you very
much.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: Yes. We've
been joined by Assemblyman Walczyk,
Assemblywoman Septimo, Assemblyman Erik
Dilan.

And I go to our ranker on EnCon,
Assemblyman Smullen.

ASSEMBLYMAN SMULLEN: Thank you very
much, Chair.
What I'd like to do is go to the questions that I'll ask President Harris and Chair Christian. I'll state the questions, and we'll come back and answer them or have a dialogue about them.

For President Harris, why are we betting on air-source heat pumps for new construction when their efficiency at minus 5 degrees is suspect?

Second question: For hydrogen production in New York, where does the electricity actually come from, and what is the conversion efficiency rate?

Third question: Why are we betting on electric school buses versus converting to clean diesel technology?

Fourth question: What is the cost estimate of the hydropower Quebec line, which will bring electricity from Canada to New York City?

For Chair Christian: Will you pledge to help publish the full results of the broadband map in real time? And lastly, can you please explain the rate hike agreement?
that postpones the 7-mile Albany Loop pipeline?

Are we still on the screen here?

NYSERDA PRESIDENT HARRIS: Yes. I'm here. I'm just making sure I have all of these written down. I will hopefully --

ASSEMBLYMAN SMULLEN: Circling back to you, President Harris, can you talk to me more about air-source heat pumps for new construction? You know, we live in the North Country, minus 5 degrees. Aren't these new air-source heat pumps for super low temperatures very expensive?

NYSERDA PRESIDENT HARRIS: So with respect to cold-climate heat pumps and heat pumps in general, we see this as a critical technology to help to address issues with emissions and the utilization of natural gas in heating, and in some instances other activities taking place in homes.

So when we look at Governor Hochul's 2 Million Homes Initiative, we are focusing on new construction, first of all, in the
first instance, with the goal to really bring forward electrification technologies in the time frame of 2027 in the outyear, for the new-construction homes.

When we look at what is actually true on the issue of cost, in new construction it's a very modest increase on the order of a couple of percent as to the capital cost of systems like this in new homes. And that is why we want to start there, because we know we can achieve these objectives in these new-construction activities where the cost differential is rather insignificant at the scale of a new home.

It is also the case that we need to build these homes, to your question, in a form that is what we would say is electrification-ready. And by that we mean the homes need to be built with a very high level of efficiency and a very what we say is robust shell, so that we are limiting really the need to heat and cool the home in the first instance.

But what we see in very cold climates
is high efficiency and high effectiveness of this technology as a general matter, with those preconditions in mind.

ASSEMBLYMAN SMULLEN: So moving on, for hydrogen, where does the electricity -- where is it actually going to come from? And what is the conversion efficiency rate for that hydrogen?

NYSERDA PRESIDENT HARRIS: So there are a number -- there's quite a rainbow of hydrogen technologies. When we talk about hydrogen, we are looking primarily at green hydrogen, which is created by electrolysis, actually. It's the electricity -- essentially the electrolysis of water using renewable electricity.

And another technology that you might hear is pink hydrogen, which is from nuclear-derived electricity, as an example. When we think about this technology, it does not have associated greenhouse gas emissions, which we see as a huge benefit, given our goals. And as to the efficiency, my understanding is it's around 80 percent,
to directly answer your question with respect
to the energy efficiency of that electrolysis
process.

ASSEMBLYMAN SMULLEN: Okay. And, you
know, as we deal with this mandate on
electric buses for schools, wouldn't an
interim step for some people in, say, the
upstate areas or the North Country, be to
convert to clean diesel technology so they
could have, you know, energy density to make
sure that they wouldn't overload the grid
before it's ready to handle this? This is
only three years away.

NYSERDA PRESIDENT HARRIS: Yes, we
certainly have invested in clean diesel
school buses as -- through existing
initiatives.

We also, however, see a future where
the electrification of school buses can
improve significantly air quality results and
ultimately cost results as well for school
districts. For those same reasons that we
really talked about with respect to
homeowners and the need, again, for a
reliable and a -- I would say a stable cost of operating those buses as well.

So, you know, it's a question of scale. When we look at the scale of our bus fleet, we see a huge opportunity for cost efficiency and specifically as battery costs are coming down over time.

ASSEMBLYMAN SMULLEN: Well, speaking of scale on buses, what is the cost estimates for a clean diesel bus today versus an electric bus today?

NYSERDA PRESIDENT HARRIS: So we are actually looking at cost premiums -- you know, I want to -- I have to get back to you on that. I want to make sure I quote it exactly correctly. I would have to give you a ballpark, sir. So I'll have to get back to you on that one.

ASSEMBLYMAN SMULLEN: Thank you for that. Because costs do matter.

Speaking of that, what is the cost estimate for the hydropower Quebec line to bring electricity from Canada to New York City?
NYSERDA PRESIDENT HARRIS: Yes. So we have a filing before the Public Service Commission right now which is subject to public comments through the next week or so. And in that filing we did produce a very robust assessment of costs. And I think the most relevant cost for you for this purpose would be the projected ratepayer impacts of these projects, which together would be about $2 a month for an average residential consumer.

ASSEMBLYMAN SMULLEN: How much is it going to cost to construct the line?

NYSERDA PRESIDENT HARRIS: The estimate from the company was on the order of $3 billion, the company developing the -- TDI, developing the actual transmission line.

ASSEMBLYMAN SMULLEN: Okay. Thank you very much.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN SMULLEN: Chair Christian, I'm very interested in broadband for our rural citizens. Are we going to be able to get the results of the broadband mapping
project in real time so we can see where to
invest the federal and state dollars that are
coming to upstate New York?

PSC CHAIR CHRISTIAN: So if it's okay
with you, I'd like to actually piggyback off
of something President Harris just said about
EVs, to discuss another benefit.

ASSEMBLYMAN SMULLEN: No, sir, I'm
focused on --

PSC CHAIR CHRISTIAN: Okay, broadband
it is.

So the mapping initiative is going to
be released this May, so we'll have that
available. And just to be clear, the
initiative is not a snapshot -- it's going to
represent a snapshot in time, but it will be
continuously updated throughout several years
to ensure that we see progress on where work
is needed as that map is deployed.

I've been made aware that some
counties have actually requested access to
the map early, and we're looking over whether
that can be done. But ultimately our goal is
to have the map deployed on time, and
everything seems to be moving with that goal in mind.

Additionally, I believe we're going to be having several public hearings, the first of which is going to be before the end of this month. I'll double-check the date and get back to you. But we should be holding at least eight such hearings to discuss the map and the details within it.

And so the broadband initiative is moving along and we expect it to yield some significant benefits in the near and the long term.

ASSEMBLYMAN SMULLEN: On behalf of all of those counties, please get them the information as it comes in real time. Many of them are doing broadband studies themselves, and they could really use that help from the state.

PSC CHAIR CHRISTIAN: Of course.

ASSEMBLYMAN SMULLEN: Can you please explain the rate hike agreement that postpones the 7-mile Albany Loop pipeline?

PSC CHAIR CHRISTIAN: Okay. So the
Albany Loop pipeline in question you're referring to I believe is -- was the proposed reliability project that NIMO presented in its most recent rate case.

The project was supposed to be about 7 miles of gas mains to connect one end of the existing gas transmission loop in Albany -- I think in the town of Bethlehem -- to another part of the loop in the town of Troy.

Ultimately, NIMO agreed to withdraw that as part of the settlement agreement that was made with several other parties as part of their rate filing. It was accepted by the other parties and ultimately approved by the Public Service Commission in our most recent session.

That's the background of the case.

ASSEMBLYMAN SMULLEN: Okay. So no pipeline, which means no gas, which for -- until our full electrification takes hold then, you know, the people in that area have to pay more, essentially, so.

Okay, well, I really --
PSC CHAIR CHRISTIAN: Actually --

sorry, sir, that's not actually the case.

Sorry, I should have expanded on that a little bit.

The purpose of the proposed infrastructure was a reliability need. As we've done in other rate cases, we've asked utilities to investigate alternatives. And in this settlement agreement, other alternatives were proposed that would allow for continued service at the same quality, the same safety, the same reliability, but at a lower cost.

So those initiatives are actually taking place. I can get back to you with the details on what those actual things are. But ultimately the need for the loop was determined by NIMO to be unnecessary as a result of those discussions through the settlement process put forward by the PSC.

So --

CHAIRWOMAN WEINSTEIN: Thank you.

We've been joined by Assemblywoman Glick --
(Overtalk.)

ASSEMBLYMAN SMULLEN: Thank you for your --

CHAIRWOMAN WEINSTEIN: -- and we'll send it back to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much, Assemblywoman.

All right, we have now finished the chair and ranker period, unless Helene or myself jump in at some point.

So now people are going to six minutes in total to ask their questions of the three representatives.

I'm sorry, Assemblyman Ra, I didn't mean to diss you in that either. I see you raising your hand down there. Take it up with Helene.

And the next speaker is Senator Brad Hoylman, who just walked away from his chair.

Come back, Brad Hoylman, come back.

SENATOR HOYLMAN: I'm back. Sorry.

It was very bright in my office. Thank you, Madam Chair.

This is for President Harris. Just a
quick couple of questions about the NYSERDA
grant program.

You may or may not know there are two
fossil fuel energy generation plants being
proposed for one of the largest residential
developments in my district, and in fact the
entire city, StuyTown-Peter Cooper Village,
which is owned by Blackstone, the private
equity firm that is heavily invested in
fossil fuels to the tune of $20 billion.

StuyTown has over 11,000 apartments,
over 20,000 residents. And Blackstone has
proposed two of what are called combined heat
and power plants, CHP plants, which while
they generate steam and electricity, they
burn fossil fuel, natural gas.

And the power plants have been subject
to a great deal of concern from the community
and elected officials because of the health
and environmental consequences for this
neighborhood, which already has the
second-highest levels of air pollutants,
according to city data, and is located
directly across the street from the
14th Street Con Edison 660-megawatt power plant.

But my question is in July of 2018 -- clearly before your time -- NYSERDA awarded a million and a half dollars in grants through the Clean Energy Fund to this project.

So I ask, as we make strides to meet our CLCPA mandates, why would we be providing public funds for clean energy to new fossil fuel infrastructure? And secondly, is there any ability to end the disbursement of this grant -- that's being awarded as the project meets certain milestones -- given the mismatch between the mission of the Clean Energy Fund and the environmental impact of a fossil fuel plant like this?

NYSERDA PRESIDENT HARRIS: Certainly.

Thank you for that question.

And I am aware, as you point out, that this was an award from NYSERDA back before the adoption of the Climate Leadership and Community Protection Act. I think I had been told it was around 2017, which is roughly consistent with your recollection.
In general, first of all, these types of programs have been evolved certainly with the adoption of the Climate Act, which sets forth parameters that change the nature of NYSERDA's investments, along with many others. So we certainly are transitioning programs and have transitioned programs like that and other legacy programs to really focus on the resources and technologies that are part of the climate agenda of the state.

As a general matter, first of all, this is a contractual commitment of NYSERDA and it is not one that we would renege on for the reasons of market certainty, certainly, and adherence to our contractual requirements. However, as a general matter, it is not an area that we're investing in under the Climate Act.

And for what it's worth, there are benefits of this type of an installation certainly that we hope will be afforded through this installation, notably with respect to efficiency and reduction in energy consumption.
SENATOR HOYLMAN: Well, given what we know now and what we've embraced as a state through a constitutional amendment and through amazing path-breaking legislation like the CLCPA, is it worth us taking a look at these type of grants to see if we can claw them back? I mean, is a commitment that endangers the future of our planet really one that we should honor?

NYSERDA PRESIDENT HARRIS: Well, we're always looking for opportunities to improve installations like the one that you're referencing. And I will note, obviously, that the project itself will be subject to the provisions within the Climate Act with respect to emissions and the like as well. But as a general matter, we have pivoted, focusing on electrification, and that's really the focus of our investments as described here today.

SENATOR HOYLMAN: Could I get a commitment from you to look at this particular award, see how much has been distributed, and make a determination whether
it's still worthy of future disbursements?

Or are we just giving them a blank check even with the strides we've made in recent years on curbing fossil fuel emissions?

NYSERDA PRESIDENT HARRIS: You have my commitment that we will certainly look at the project and its evolution and development to maximize all of the provisions I just described -- specifically emissions reductions, efficiency improvements and the like, in light of the Climate Act. You have my commitment to do that.

SENATOR HOYLMAN: Thank you so much.

I greatly appreciate it.

NYSERDA PRESIDENT HARRIS: Thank you.

SENATOR HOYLMAN: Thank you,

Madam Chair.

CHAIRWOMAN KRUEGER: Thank you very much.

Assemblywoman?

CHAIRWOMAN WEINSTEIN: We do have our Ways and Means ranker, Assemblyman Ra, who will get 10 minutes now before we go on to
the other members.

ASSEMBLYMAN RA: Thank you, Chair.

Appreciate it.

I do quickly just want to point out, with regard to the PSC, I know the Senator had raised it earlier, the Town of Hempstead did appoint their commissioners for the -- just last week, actually -- for the South Nassau Water Authority. So they are moving forward.

But, you know, Commission Chair, just some further questions regarding that. I do represent also a portion of the northern part, and with the whole New York American Water issue I know there were some reservations within the department regarding the sale that was approved.

I'm just wondering, going forward now, you know, everybody knows that the key to all of this is the property tax burden that is being imposed on the ratepayers. I know that was obviously an obstacle with regard to the sale. It's something that, until there's some type of municipal entity, doesn't really...
So just wondering how the department is moving forward with, you know, the transition to a new owner, with it looming that perhaps these areas are all going to get broken up, both on the south and northern part of their holdings.

PSC CHAIR CHRISTIAN: So, you know, ultimately the department is ready and able to assist in any further consideration on what the next steps will be, be it municipalization or some other action.

We're monitoring the status of this initiative, and ultimately we'll be in communication with the various representatives to understand their goals and intent and what the next steps will and should be.

You know, I think ultimately, you know, to the point you made, the customers have been long burdened by high costs for the water that they use daily, and again, these costs have been driven largely by taxes and have nothing to do with the provision of
water. So one of the things that -- if I'm remembering properly, the agreement includes a rate freeze that will be immediate, so that will be very much, you know, assistance to customers in establishing some relief and protections.

But ultimately whether municipalization actually happens, I believe that decision is up to the local municipalities themselves. But whatever choice is made, ultimately the Public Service Commission is here to support that choice and provide assistance as needed.

ASSEMBLYMAN RA: Absolutely. And we certainly would appreciate, you know, that continued partnership as we move forward with this, you know, in both the northern and southern areas.

You know, I think what the ratepayers want is pretty clear. But we also appreciate that this is complex and there are differing solutions as to how we're actually going to do it, whether it's in some areas perhaps neighboring entities that may take over
pieces of it, and others just, you know, a brand-new entity and -- you know, who owns what and all that stuff. So thank you for that.

The other thing I wanted to talk about, this proposal regarding disallowing utilities from recovering the cost of the first 100 feet of natural gas infrastructure.

You know, I assume this is to kind of discourage new natural gas hookups for homes?

PSC CHAIR CHRISTIAN: So I -- yeah, so I can't speak to the -- I'm trying to remember the exact language in the legislation, excuse me. But the 100-foot rule you speak of is something that was established at the very onset of utility development as we know of today. And it's long been seen as an incentive to help customers, particularly new homes, homes that don't have gas service, connect to the grid by making it easier. So what the 100-foot rule ultimately allows is that first 100 feet of service between the gas main and your home would be covered for free.
That rule is a vestige of previous policies designed specifically to expand and accelerate the growth of our gas use within the state. Given the passage of the CLCPA, given the direction that we're moving as a state towards significant reductions in emissions and also the need to electrify, one would ask the question -- and I think this dovetails onto a question previously asked about incentivizing infrastructure that emits -- should this continue?

And, you know, ultimately the legislation is attempting to bring in line Public Service Law with the greater goals of the CLCPA by eliminating this de facto subsidy of providing natural gas.

ASSEMBLYMAN RA: So I think -- you know, I can appreciate that. But, you know, as some of my colleagues have mentioned, when we look at this whole thing, you know, we can't completely look at it in a vacuum. So, you know, what are we at this point -- if you're taking a home that maybe is utilizing something that is much less clean right now
than natural gas and we're taking -- you
know, we're disincentivizing them to
switching to something that's cleaner, it
seems to me that, you know -- certainly I get
that that's the long-term goal.

But, I mean, aren't we perhaps keeping
a home on something that is less clean and
less green by not allowing them to get a
natural gas hookup, which we know many
residents want to get, both in terms of
affordability and in terms of it being
cleaner than what they may be currently
heating their homes with?

PSC CHAIR CHRISTIAN: Assemblymember,
that argument is exactly an argument I have
made myself in the past when I was an
advocate for the environmental community.
And in the past, that argument is 100 percent
accurate.

Where we are today, though, things
have changed significantly. Today -- and
there's several studies which I'm more than
happy to share with you, done by a variety of
different organizations. It's been shown
time and time again that natural gas as an intermediate step actually increases our costs over time. The ability to convert an individual from oil to electric is actually far more cost-effective if done directly rather than first transitioning to natural gas.

So I think President Harris said this earlier in her comments, that NYSERDA is constantly looking at incentives to readjust and realign them with needs. And I know I'm confident that provision of incentives to encourage those customers not using natural gas, using dirtier fuels, converting them to electric is likely going to be a significant priority and a significant funding area going forward.

So I don't believe those customers are going to be left without. And I believe those are actually the ripest customers for conversion to electrification over the next few years.

ASSEMBLYMAN RA: Thank you, Chair.
And please, I would appreciate if you can
send over any of those studies to me.

PSC CHAIR CHRISTIAN: Absolutely.

Happy to do so.

ASSEMBLYMAN RA: Thank you.

I will yield back the rest of my time.

Thank you, Chair.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Our next is Michelle Hinchey, Agriculture chair. Hi.

SENATOR HINCHEY: Hello. Thank you very much, Madam Chair.

My first question is for Mr. Moaveni. We are seeing large-scale solar projects being targeted on farmland because it is easier and it's cheaper, and especially having happening with predatory practices.

So building off of Assemblymember Cusick's comments or questions, I believe you answered that you would come up with solutions to protect farmland. Can you talk about what regulations you have implemented
to protect farmland and therefore our food
supply today?

ORES EXEC. DIRECTOR MOAVENI: Sure.

Thanks, Senator.

As I mentioned in my earlier comment, the office recognizes the importance of preserving our most productive farmland, consistent with the New York State Constitution.

And as far as I know for the first time in New York State, we have established a regulatory framework to study the impacts of renewable energy development on farmland.

So in our Exhibit 15, as part of the regulations, we have established a set of requirements to be provided that would enable the office to review the proposed facility and make determinations on a case-by-case basis.

The regulations are based on a hierarchy of avoid, minimize or mitigate significant adverse impacts to farmland resources to the maximum extent practicable.

I don't want to go through the entire
regulatory process, but just to outline a few
steps, the office staff work very closely
with my colleagues from the Department of
Ag & Markets, and with applicants, to avoid
significant impacts to farmland before an
application is submitted. As a part of
Exhibit 15, an applicant is required to
provide an agricultural plan in which they
need to outline specific steps that they will
take to minimize or mitigate impacts.

We have a requirement to comply with
Ag & Markets construction standards, and we
have specific requirements for compliance
with decommissioning and restoring the site,
again, consistent with the Department of Ag &
Markets. And also a requirement to have an
on-site agricultural inspector to make sure
that during the construction we don't make
permanent damage.

So I believe that the regulation
process that we have in place at this point
will provide enough information for the
office to take this in the context of
case-by-case and project-specific review and
approval process. And again, if we look at the list of projects that have been approved by the office, so far none of those applications have significant adverse impacts to farmland.

SENIOR HINCEY: So I would argue that that's actually incorrect, because my second question is the fact that when I look across my district, which is a lot of farmland -- as you know, I represent five rural counties -- what we're seeing is there's actually very little care for regional impacts, specifically around farmland, but general regional impacts. For example, in the Town of Coxsackie alone, one town in Greene County, there are 10 solar projects sited. Two have been approved, and the two of them take up 9 percent of the land of that town.

In Montgomery County, we are seeing several multi-thousand-acre projects being proposed in neighboring towns -- all farmland.

So what we're doing is we're setting
up these areas to effectively be dead counties. And so it would it seem to me that the regulations that are in place right now are not working.

But also I'd like to ask, on that regional perspective, what is your agency doing to look regionally to ensure that -- you know, I agree, we need more solar development and we needed it five years ago, if not longer. But what are we doing to look at the regional impacts of communities so that we're not disproportionately impacting very specific regions, as I'm describing to you now across my district? And it's happening all over upstate New York.

ORES EXEC. DIRECTOR MOAVENI: So, Senator, two points.

Point one, those projects that you are referencing are not permitted under an Office of Renewable Energy Siting regulatory scheme or statutory scheme. So point one.

And point two is that at this point, as I mentioned, the regulations that we have were adopted, promulgated last year, and are
still like new. I'm not aware, again, as I said, any of those projects to be reviewed and permitted under Executive Law 94-c.

With respect to the second question, with respect to evaluating cumulative impacts of this project, yes, that's a -- I share the same concern that we have to look at the proposed pipeline and we have to look at the project-specific and site-specific impact, as well as look at the cumulative impact of each and every one of those projects. So this is part of, as I mentioned, a regulatory scheme already that we will be requiring and we'll be conducting a thorough evaluation on a case-by-case basis.

SENATOR HINCHHEY: Thank you. Yeah, I look forward to working with you on that, because what we're seeing playing out right now is kind of antithetical to saving our food supply and also keeping -- making sure that our upstate towns are still viable.

I know I have very little time left, but for the sake of possibly having an answer, for Mr. Christian: Curious, any
details on the ConnectALL initiative that the Governor has outlined? Really excited about that. But what we've seen historically is broadband money that has been allocated goes to kind of further buildout or protecting urban areas and less of the last mile.

So can you in very quick seconds describe how that will go to more upstate areas?

PSC CHAIR CHRISTIAN: Yes. We're using the funds to pinpoint where broadband investments need to be made, and we're also supporting a $30 a month permanent broadband subsidy for low-income households. So in addition to doing infrastructure where it's needed most, we'll be providing funds to individuals who need it to get that broadband service.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Now we'll go to Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you, Chair.

And thank you all for being here and
sticking with us now just a couple of hours in. We have some more time to go.

So I want to just follow up on Senator Hoylman's point about the two proposed CHP plants that are going to be in our district, you know, that StuyTown has now proposed, especially across the street from Con Ed. What can we do now, since it doesn't comply with their CLCPA goals, to ensure that those plants won't come online?

NYSERDA PRESIDENT HARRIS: Well, Assemblymember, I would say that my answer with respect -- I must say I'm not a hundred percent confident that NYSERDA is involved in the second project, which I can seek to confirm here.

But as a general matter, these projects will need to advance consistent with the CLCPA with respect to -- specifically with respect to emissions goals and the like.

So there are -- there's a question of fuel eligibility as it exists moving forward, and then emissions considerations, which are both going to be critical, I would say, with
these type of projects moving forward.

That said, I would say to the extent that NYSERDA -- I would make the same commitment to you that I had made earlier, which is we will strongly engage to improve those projects to the extent possible should they both be supported by NYSERDA.

As to the permitting, of course, that would be a different question altogether.

ASSEMBLYMAN EPSTEIN: Yes. Obviously the DEC, we'll talk to them more about that.

NYSERDA PRESIDENT HARRIS: Yes.

ASSEMBLYMAN EPSTEIN: But I just want to make sure that we have your commitment that we will be engaged in a conversation, because our community really opposes those projects.

NYSERDA PRESIDENT HARRIS: Yes, you have it.

ASSEMBLYMAN EPSTEIN: So I want to talk to PSC just for a second, because I wanted to -- you know, we've had a concern around utility issues and utility shutoffs, you know, now that the moratorium's expired.
How many people, do you know, are behind on their utilities and risk a shutoff?

And the second question is in the context of that, and the context of the pandemic, I'm wondering what the logic and the rationale was for a rate hike for people who are obviously struggling already, which, you know, can push people further into poverty.

PSC CHAIR CHRISTIAN: I'll try to answer your first question.

So the exact number of people, I don't have that available at this time. I do know that there's about 1.7 billion -- that's billion with a B -- that is owed. And I'm pretty sure that's over a million customers. But I'll have to get that number verified and get back to you on that.

In terms of addressing this issue, you know, first off, there's a number of protections already in place. I'm sure you're already familiar with the Home Energy Fair Practices Act, HEFFPA, that already has provisions for deferred payments and other
protections to ensure that disconnect doesn't happen, specifically during winter when people need heat. We have provisions in place to ensure they don't lose that heat. So that's kind of a founding principle.

The pandemic has resulted in the creation of several additional protections, one of which is bill payment assistance programs, where we're actually providing funds to help individuals pay their bills. The second being a moratorium on customer shutoffs.

ASSEMBLYMAN EPSTEIN: But the moratorium doesn't exist anymore, it expired, right?

PSC CHAIR CHRISTIAN: Correct. But that was in place, and that's --

ASSEMBLYMAN EPSTEIN: I want to know what we're doing going forward. You know, I only have a few minutes, so I just want to know what we're doing going forward to protect people from shutoffs. And I really do want to know why we wanted to do a rate hike in the middle of this.
PSC CHAIR CHRISTIAN: Okay. So to answer what we're doing going forward, we've already moved forward to raise the budget for the Energy Affordability Policy Program, so that went up -- I want to say by 50 percent from 200-odd million to a little over $350 million. And that's expanded eligibility for individuals who can be a part of that program as well.

And to address your other question about rate hikes in a period of -- where people are having affordability issues, it's a delicate balance, ultimately. And I recognize the sensitivity. We all at the commission, and in the Department of Public Service, recognize that.

But I want to highlight, again, when we look at what utilities have requested, meaning this is the ideal, what they think they need to fund infrastructure growth, I think the order of magnitude of that request was well in excess of $400 million. Ultimately, the Public Service Commission in 2021 roughly approved 8 percent of that in
terms of rate increases.

So I want to stand firm with my previous assertion that we have done everything in our power as an agency to mitigate the impacts on rates to customers by aggressively reviewing and triaging what is needed when it's needed most.

ASSEMBLYMAN EPSTEIN: I do -- I want to be able to move on because I don't want to run out of time here. So I just want to move on to charging infrastructure.

Two things. One is just, you know, spending government dollars on non-publicly available charging stations that require a paywall.

Two is really making sure that we're putting chargers in, you know, places across the state -- you know, but fast chargers, Level 2 chargers.

And the three is like having usable websites for consumers so they know where to charge their vehicle.

So an example is, you know, if I'm going -- and my district is in Manhattan, so
if I go to NYSEDA's website to find out where there's a charger available, it doesn't give me any information about whether it's going to cost me $5 or $50 to charge my car because there might be a paywall.

How can we get this information to the consumer so they can have good choices about being able to charge their vehicles?

PSC CHAIR CHRISTIAN: Okay, I will --

NYSEDA PRESIDENT HARRIS: Oh, I was assuming that was for me, but please.

PSC CHAIR CHRISTIAN: No, well, I was going to punt that.

(Overtalk.)

PSC CHAIR CHRISTIAN: But I'll stay with it quickly. The EV Make-Ready program I believe includes many of the things you have just mentioned. I will personally need to re-review; it's been a little while, and --

ASSEMBLYMAN EPSTEIN: It doesn't. It basically -- you can basically have a paywall. We can pay for a paywall so a private garage, a paywall -- we basically allow private developers, you know, companies
and buildings, to do that.

So I know I'm out of time. I really would like to know, can we get a website that works for the consumer? And can we ensure that, going forward, our government dollars will be used for publicly available charging stations across our state so the public can actually feel comfortable buying EV cars?

NYSERDA PRESIDENT HARRIS: Thank you.

That is the --

CHAIRWOMAN WEINSTEIN: The answer is either yes or no. And if we could have a quick yes or no and then move to the Senate.

NYSERDA PRESIDENT HARRIS: Yes. The answer is yes. And specifically --

CHAIRWOMAN WEINSTEIN: Okay, so now we're going to move on to the Senate.

NYSERDA PRESIDENT HARRIS: Yup.

CHAIRWOMAN KRUEGER: Okay. Thank you. Sorry, we just have to keep rolling.

And our next Senator will be Senator May.

SENATOR MAY: Thank you so much. I have a few questions for each person on the
panel. The first one, for the PSC, I'm interested in the ConnectALL initiative. It's exciting. It's great that the Governor and the President want to pour a lot of money into getting everyone connected.

But we also know that the United States has higher costs for internet connectivity and cell service than a lot of other countries do, and it's because of consolidation and lack of competition.

So I want to know if you support robust efforts to promote municipal networks or communications union districts, like they use in Vermont, to bring the costs down for end users and promote access and economic opportunity.

PSC CHAIR CHRISTIAN: So I assume that was directed to me. I unfortunately am uncomfortable answering that question, in part because it's something that if it were to appear before the commission, my answer may bias the direction of that.

But what I will say is if that is presented as an option to the commission,
it's something we would certainly consider.

SENATOR MAY: Okay. Thank you.

And then for the NYSERDA president,

I -- I'm really disappointed that this Governor is continuing the practice of sweeping funds from the Regional Greenhouse Gas Initiative into the General Fund instead of earmarking them for projects specifically aimed at addressing climate change, for example.

What is your feeling about that? And would you support -- I have a bill that passed through the Energy Committee to prevent that from happening. Are you in support of that?

NYSERDA PRESIDENT HARRIS: Thank you, Senator. It is the case that we have the transfer specifically for green energy tax credits as part of the fund transfers that you're referencing.

And the good news there is that is used to support technologies like solar adoption, which I think we would all agree is critical to our decarbonization goals.
And then obviously the second piece -- that you're well familiar with -- is the transfer to the DEC Environmental Protection Fund that is to support projects that have been identified for clean energy initiatives. So certainly I'm sure Commissioner Seggos would be glad to talk about the utilization of those funds as such.

However, as a general matter, I am pleased to say that I can say that these are commitments that are consistent with the Climate Act. And with revenues of 167 million or more projected under RGGI, we have some -- we have a complement of programs that I'm particularly proud of this year.

SENATOR MAY: But isn't it true that 23 million of that were taken out of the environmental side of things in the budget?

NYSERDA PRESIDENT HARRIS: It's true. It's -- certainly solar adoption is in line with the RGGI regulations. So in that -- in my view, it is in alignment both with the Climate Act and the RGGI regulations as well.

SENATOR MAY: Okay. Let me ask you a
different question, which is about industries
developing in upstate New York. We want to
encourage that. But I'm very concerned that
our freshwater lakes, which are an
increasingly rare resource around the world
because they have immense cooling capacities,
I'm concerned that they're going to be
increasing targets for very energy-intensive
industries like bitcoin mining that don't
result in big job gains or major benefits to
local economies, but really use that resource
and contribute to greenhouse gas emissions.

Are there discussions about regulating
energy demand with respect to the public
benefit that comes from new projects?

NYSERDA PRESIDENT HARRIS: Well,
certainly I'll just say briefly we at NYSERDA
do not have a regulatory role regarding the
industry.

However, I will say with any new or
growing industry, and cryptocurrency included
within it, we certainly need to make sure
that this development complies with the
Climate Act, full stop. And so we need to
look at balance and at economic development, job opportunities and other benefits, but to also align with our efforts to reduce greenhouse gas emissions.

SENATOR MAY: Okay. And then, finally, I have a question for Mr. Moaveni from the Office of Renewable Energy Siting. You talked about robust public process in making siting decisions, and that's wonderful. But I am hearing about predatory practices by solar and wind developers who require nondisclosure agreements and otherwise strong-arm landowners and their neighbors to prevent open discussion of their proposals.

Are you aware of this? Is this something you're able to do anything about?

ORES EXEC. DIRECTOR MOAVENI: I'm not aware of that. You know, I would appreciate if we can discuss it offline. I certainly do want to take this very seriously at ORES, so yeah, please let me know. This is the first time I'm hearing about it.

SENATOR MAY: Okay. Thank you very
Thank you, Madam Chair.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Lunsford.

ASSEMBLYWOMAN LUNSFORD: Thank you very much.

So my first question is for Mr. Christian. Earlier you mentioned burying utility lines, which is speaking my language. And I am wondering if you can tell us a little bit more about that project, about projected costs and timelines and how we could leverage that to bury broadband fiber at the same time.

PSC CHAIR CHRISTIAN: So to be respectful of your time, I'm not in a position to answer that question to the level of detail I suspect you would want. I'm sure you know that we -- burying these lines is an important part for ensuring reliability. Exactly how we're going to go about doing it, again, as I mentioned earlier, is going to be
part of that work and investigation.

    Happy to keep you apprised as we move forward with that, but I can't provide much more details than that at this time, I'm sorry.

ASSEMBLYWOMAN LUNSFORD: Please do. That is an important issue for me and my district, so I would be very interested in learning how we can be supportive of that.

For whoever can appropriately answer this question, I am wondering if we have any actual measurable projections on what our energy needs will be over the next five, ten, fifteen years as we electrify vehicles, as more people convert their homes to electricity, and how confident we are that our grid can grow at the rate we need to support that broader energy goal as it balloons.

NYSERDA PRESIDENT HARRIS: Yes, thank you, Assemblymember. This is a topic actually that was in part of our integration analysis. And so I'm wanting to give you as many details as I can.

When we look at the future -- again,
our 2050 future under the Climate Act -- we see even with aggressively managed load -- i.e., efficiency to the maximum extent possible -- we see electric consumption doubling and the peak load nearly doubling by 2050. And because of this electrification we also will see a future where that peak occurs in the winter rather than in the summer. So it is a fundamentally different grid, certainly when we get to 2050.

And I can say, as part of the assessment under the integration analysis, we're well-positioned to ensure a reliable grid in that 2050 future, not just with the resources that we have today, but also with new technologies that we see even being adopted in Europe, as an example, such as long-duration energy storage and hydrogen is something we discussed today, all of which can be utilized to help ensure a reliable, resilient grid in those future years.

ASSEMBLYWOMAN LUNSFORD: Thank you.

And to piggyback a little bit off of Senator Hinchey's questions about preserving
our farmland, would there be any reasons we
could not leverage our brownfields to serve
as land for solar expansion?

ORES EXEC. DIRECTOR MOAVENI: Is that
a question for me or President Harris?

ASSEMBLYWOMAN LUNSFORD: Whoever is
most appropriately suited to answer that.

ORES EXEC. DIRECTOR MOAVENI: Doreen,
you want to go first and then I'll go next?

NYSERDA PRESIDENT HARRIS: Of course,
certainly.

It's also a topic we are spending a
lot of time on, both with our NY-Sun program
and with the Build-Ready program that puts
NYSERDA in the seat of developer, advancing
projects on underutilized land. And both
have a strong disposition to utilize those
lands, such as brownfields, for solar
development, both with incentives and with
identification.

So if you have any brownfields in
mind, send them our way. We'd love to take a
look at them.

ASSEMBLYWOMAN LUNSFORD: Will do,
thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

ORES EXEC. DIRECTOR MOAVENI: And I'll just add, if I may very quickly, you know, the office is not in the business of necessarily advocating or promoting where renewable energy projects can be deployed, but Executive Law 94-c provides that any facility that is proposed on underutilized, generally describing it as lands used as brownfields, the office is required to issue a final siting permit within six months.

And that's -- from my perspective, that would be, in practice, an encouragement for developing these type of facilities in New York State.

ASSEMBLYWOMAN LUNSFORD: All right, thank you very much.

And I'll yield back my time.

CHAIRWOMAN KRUEGER: Thank you.

You know, a couple of my Senators went off to committee meetings, so I think the next up is Senator Borrello.

I'm sorry, are you there,
Let's move to Senator Jordan. I see her.

SENATOR JORDAN: Thank you.

So this question is for Mr. Moaveni.

I have celebrated with certain municipalities in my district in their ribbon cuttings for solar fields because they wanted them. And there are other municipalities in my district that are fighting against large solar fields.

How is ORES handling the siting of large solar fields in municipalities where they really aren't wanted and don't fit in with their zoning laws? The localities I'm speaking of look at this as an overreach of big government and not accepting the will and the vision of the local government and the people that live there.

How is ORES handling this?

ORES EXEC. DIRECTOR MOAVENI: To answer the question, Senator, we have the best communities in New York State, and they
deserve the best form of government and the
best public servants. So from my
perspective, which I've experienced this very
specific issue you just raised firsthand
throughout my career, I believe that the key
to a successful siting process is prepared
local governments and well-informed
communities.

Building local support for major
renewable energy facilities is just as
important as getting ORES approval, if not
more important. And the Executive Law 94-c
and its implementing regulation provide
multiple opportunities for local governments
and -- for meaningful engagement with local
governments and public participation.

Just really to outline a few
provisions that we have in our statute and in
the regulations, one is no application will
be deemed complete by the office without
proof of meaningful engagement with local
governments and having meaningful public
participation.

Second is the office requires
applicants to reach out to local government and communities -- as I mentioned, before an application is submitted, so we can discuss the scope of the projects and for an applicant to learn more about specific issues and concerns at the local level and try to address them.

The next part of that would be each applicant is required to provide funding so that local governments and communities can participate in the siting process. The office is required to put together a draft permit which is based on an application that would be submitted. One of the specific exhibits that we have in our application would be outlining steps that an applicant has taken to engage with local government and address the issues, so as with our local community members.

So I can go on and on about the subsequent steps in the process, but we believe that local government participation and community engagement in this whole process is super-important, and we are taking
it very seriously in our application review and issuing final permits for these facilities.

SENATOR JORDAN: That's all, you know, well and good. And I understand the process. I've been watching a town go through this process and, you know, it's been a back-and-forth between the solar company and the officials in the town as well as many, many residents who are against it. And they feel that this is still just going to come down on them whether they want it or not.

And, you know, they're looking at trying to get an acceptable plan. However, it's really something that's not wanted in this small rural scenic town. And, you know, in the end is 94-c going to just knock out what the local government and most of the residents want?

ORES EXEC. DIRECTOR MOAVENI: So I think again, as the final decisionmaker of this office, I cannot -- without, you know, knowing all the information and based on basically all the information and required
specific findings that we have on the facts
to make a general statement that yes, we
will, or we will not.

I mean, that -- as I mentioned, this
is something that we will consider on a case
by case and based on the project's specific
facts, you know, containing all the necessary
site-specific conditions and concerns, and in
light of CLCPA targets and environmental
benefits of these facilities.

SENATOR JORDAN: Right. So in the end
what you're saying is you will consider all
of this, but in the end you have the final
say.

ORES EXEC. DIRECTOR MOAVENI: We have
staff -- like, you know, Executive Law 94-c
provides that the Office of Renewable Energy
Siting can only issue a final siting permit
if the proposed facility would comply with
all applicable local laws and regulations.

In making that determination, the
office may elect not to apply in whole or in
part any local laws if the office can make a
finding that it's unreasonably burdensome in
light of the CLCPA targets and environmental benefits of the facility.

So we will, you know, comply -- fully comply with our statute and regulations. As I mentioned, this is something that I believe we are going to be able to evaluate and make appropriate determinations on a case-by-case basis.

SENATOR JORDAN: Okay. Even when local zoning laws say that 10 acres -- you can't have a solar farm more than 10 acres, and yet there's hundreds of acres proposed. I would think that would be an automatic, like, no for a solar field larger than 10 acres.

CHAIRWOMAN KRUEGER: I'm afraid we're out of time --

ORES EXEC. DIRECTOR MOAVENI: Go ahead.

CHAIRWOMAN KRUEGER: I'm sorry, can you answer that as a yes/no question for the Senator?

ORES EXEC. DIRECTOR MOAVENI: Unfortunately, much as I wanted to answer yes
or no, that's not a yes or no answer.

SENATOR JORDAN: Thank you.

CHAIRWOMAN KRUEGER: All right, so we'll need to take that offline or maybe someone else will ask it later. Thank you very much.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Hi, good morning. I'm just going to jump right in, given the time constraints.

Two quick comments, one to Chair Christian.

I very much appreciate the EV Make-Ready program. My one concern is the focus on incentivizing private investments, which is pretty much what we've done with our broadband up to now. And there has been a difficulty, of course, given the for-profit model, to get to the most rural areas. So I'd love to see this program also incentivize nonprofits and municipal governments from participating in this.
And to President Harris, with all due respect, with respect to RGGI, in follow-up to Senator May's comments, the existence of the tax credits predate the CLCPA and RGGI. So in pulling 23 million every year -- totaling over 200 million to date -- from RGGI does deprive disadvantaged communities of significant funds in direct investments that is required by the CLCPA that was created after these credits were put in place. So I just wanted to make that point.

And then back to Chair Christian, how many jobs, if any, have cryptocurrency mining projects created in New York State?

PSC CHAIR CHRISTIAN: I do not know the answer to that question.

As I stated earlier, we do not regulate the mining activities themselves or cryptocurrency. Our regulation extends only to power production in that context. But I'm not aware of the number of jobs that industry has created in New York.

ASSEMBLYWOMAN KELLES: Right. But part of the review of the application is what
the benefit is to the community. So if it is using a significant amount of energy, it is increasing ratepayers' bills but it's not making any jobs. That would be a consideration, would it not?

PSC CHAIR CHRISTIAN: Yes, I believe so. Again, I'd have to look at those directly.

The issue with cryptocurrency, to my knowledge, is largely its potential effects on our emissions portfolio overall, and that's where much of my attention has been paid in understanding the issue and figuring what engagement and actions the PSC can actually take on that matter.

But to the specific level of number of jobs created or things like characteristics like that, I'm simply not as informed.

ASSEMBLYWOMAN KELLES: Yeah, I would love to see a more comprehensive evaluation given that, you know, we only have so much renewable energy we can produce, we have so much energy demand. Any energy demand that consumes what benefits it gives back to the
community are really important. And if it's a very small amount of jobs for the amount of energy it uses, I think that's really important.

But thank you so much.

And to President Harris, what is the status of our renewable energy to meet existing demands? And has there been an assessment to see if renewables can meet our existing needs plus the cryptocurrency as it expands? Right now, by the end of this year I think the estimate is about 1.5 gigawatts of energy will be used for cryptocurrency mining, which fuels about 800,000 homes. So just giving the scope of it.

NYSERDA PRESIDENT HARRIS: Yes, thank you, Assemblymember.

I would say in the first instance your question had asked how much renewable is serving New York now. Is that correct?

ASSEMBLYWOMAN KELLES: Yes, correct.

NYSERDA PRESIDENT HARRIS: So most recently -- our most recent progress report indicates about 27 percent of our electricity
is renewable that serves New York at this point.

ASSEMBLYWOMAN KELLES: So same as last year. About 4 percent of that being from solar and wind, most of that being from hydroelectric to date.

NYSERDA PRESIDENT HARRIS: That's correct.

With respect to the impact of crypto on load, and notably as to the utilization of renewables, it's for the exact reasons that I described earlier. The fact that when we look at new industries we certainly look at, on balance, what they offer with respect to energy efficiency -- back to the things you know better than many. Proof of work versus proof of stake is a good example in crypto terms, but also how many jobs, what is the economic development opportunity associated with it.

Because it is true, just sort of back of the envelope, there could be a very significant impact on New York's load resulting from crypto, depending on the
penetration of the resource.

ASSEMBLYWOMAN KELLES: Thank you.

And back to you, Chair Christian. Has the PSC examined any next-use possibilities for natural gas infrastructure to lower the cost of decommissioning those facilities, like using the pipes for hydrogen distribution or for even broadband fiber lines, for example?

PSC CHAIR CHRISTIAN: Yes, we are investigating different options for reusing different types of infrastructure, aligned with the needs of the clean energy future envisioned by the CLCPA. Those are ongoing.

I want to cite the power grid study which was released -- I want to say last year, as an example of a study that we've recently done on that matter. And I think over the next few years you're going to see quite a few more highlighting different opportunities in the form of white papers or studies either directly from DPS or in partnership with other agencies.

ASSEMBLYWOMAN KELLES: Wonderful. And
I will check that out.

So I want to -- one more comment and one more question. It would be really helpful, I think, to have a study to see where sufficient excess solar, wind and water power exists -- I'll repeat that. To have a study to see where excess solar, wind and water power exists to do the generation of hydrogen in a green way with renewable energy infrastructure. I'd love to see that put in place. I'm a little concerned, if we do massive expansion of hydrogen, that we make sure it's renewable energy from renewable energy.

And then the one question, what --

CHAIRWOMAN WEINSTEIN:  Excuse me, Assemblywoman.

ASSEMBLYWOMAN KELLES:  I'm sorry, I'm out of time.

CHAIRWOMAN WEINSTEIN:  Yup, you've used your question time up.

ASSEMBLYWOMAN KELLES:  I will ask privately offline. Thank you so much.

CHAIRWOMAN WEINSTEIN:  Thank you.
That's fine.

So we turn it over to the -- back to the Senate.

CHAIRWOMAN KRUEGER: Good catch, Helene. Thank you.

Next to Senator George Borrello, who we did find, yes.

SENATOR BORRELLO: Yes, thank you, Madam Chair. I appreciate that.

This question is directed to President Harris. Thank you very much for joining us here.

I have major concerns with the idea of building offshore wind in our freshwater lakes, Lake Erie and Lake Ontario. When I posed the question previously to the head of NYSERDA about the study that was underway that NYSERDA was sponsoring, he actually didn't have -- wasn't aware of it, quite frankly. So it was very troubling to me that there is a study underway, and I've heard nothing about the study.

I wonder if you could update me on where we are with this offshore wind study
for the Great Lakes, particularly Lake Erie
and Lake Ontario, and where we are in that
process right now with that study.

   NYSERDA PRESIDENT HARRIS:  Certainly.

And we have been hard at work in advancing
the study that was actually required by
Public Service Commission order in 2020.

   We anticipate actually delivering that
study over the summer to the commission
for -- or to the public for consideration,
according to the schedule laid out in the
order.

   We have been hard at work really
looking at the resource from multiple
factors.  I'd say -- it's known as a
feasibility study, so it's an initial
screening of the potential that it may
provide.

   As part of it we have had a number of
public meetings and have engaged with a
number of stakeholders one on one.  I'd
personally be glad to meet with you directly
if you have specific questions.  But I would
say the level of engagement has been
extensive throughout the year, and I personally am looking forward to the study's findings as well as any next steps it may recommend.

SENATOR BORRELLO: Thank you. I did participate in some of those public meetings. I do have some concerns, though. I looked at the list of people that are working on this study, and I don't see anybody that actually has any interest outside of green energy, quite frankly.

You've got a lot of engineers and people that are involved in green energy and potentially people that are representing companies that could profit from an offshore wind project in Lake Erie, but I don't see anybody that knows anything about hydrology, about, you know, waterfowl or the ecology of the lake. I don't see anybody that actually knows about our fisheries that are -- which are critically important to our area. And certainly the fact that we have 11 million people that draw their drinking water out of Lake Erie alone.
So how can you make a fair assessment to deliver to the PSC if you don't have a balanced approach to who's analyzing this information?

NYSERDA PRESIDENT HARRIS: Totally agree.

This study is comprehensive in the sense that it is -- it's evaluating, to your point, environmental, maritime, economic, social issues as well as the economic opportunity and of course the grid opportunity as well.

We have a series of consultants that are working with us, including those that are experts in the fields that you had identified. And I want you to know when we think about the resource, we are doing so comprehensively.

SENATOR BORRELLO: Well, I'd like to see a list of those consultants. Because nobody on the list of people that appears in the study are actually anything other than experts on green energy. And that is very troubling because they obviously have a -- I
would consider a slanted view of how this --
what the outcome of this should be.

So that's -- and let me also say that
we don't know what's at the bottom of
Lake Erie, but I can tell you it's nothing
good, and it's been covered up. You know,
our industrial past, the fact that Lake Erie
was declared a dead lake in the 1970s because
of the toxic waste that was dumped into it
for decades, the last thing I think we need
to do is dig up the bottom of that lake and
release those toxins back into the drinking
water of 11 million people.

So the fact that you have people that
are essentially only pro this project on this
study is very troubling, and I would
seriously ask you to strongly consider
changing out some of these folks so we get a
more balanced approach.

But I appreciate your response,

though. And --

NYSERDA PRESIDENT HARRIS: Thank you.

And we --

SENATOR BORRELLO: -- moving along
quickly to another topic now.

NYSERDA PRESIDENT HARRIS: Yup.

SENATOR BORRELLO: Right now Western New York, where I live -- it used to, actually, be energy independent, until the closing of the two power plants in Western New York. We now import power from some of the dirtiest old-fashioned coal plants in America, places like Homer City, Pennsylvania.

So how do you rectify the fact that New York is now importing more power than it ever has from some of the dirtiest sources of power in America? How will that -- how are you going to become a -- you know, whether it's 70 by '30 or 100 percent renewable, if we're building more pipelines, if you will, to import power, instead of just saying we're actually going to truly be renewable, how does that work? How does that work when we're building new power lines right now to dirty old-fashioned coal plants?

NYSERDA PRESIDENT HARRIS: Thank you, Senator. One thing that we look at every
year is actually what is contributing to our consumption. That's the goal of the Climate Act, is how are we consuming energy here in New York.

So we do import in two ways. We import primarily from Quebec, which is primarily hydropower, as one would expect, renewable hydropower. I think that was about 7 percent of our load that was served by renewables from Quebec.

And then we do import about 6 percent of our load from PJM to our south and to our west.

And ultimately that is reflected in the achievement of our goals. This is all embodied in our accounting. And as the mix of resources in Pennsylvania shifts, so will our accounting thereof.

As of now, I think it's actually -- the majority is natural gas and nuclear, with a smaller amount of coal. But so you know, this is all accounted for.

SENATOR BORRELLO: Right. But the bottom line is it's a shell game. You're
importing power and saying we're green here at the source. That's the troubling part. That's not a real commitment to actually doing it, it's actually a commitment to pretend that we're doing it.

But thank you anyway.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: Next we have Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you, Helene. And I have a few hot issues, and I'm going to move quickly.

Chairman Christian, I would -- thank you for your testimony. Would like to offer some help in terms of promoting a multi-agency discussion about broadband and digital equity. And it sort of goes like this. A lot of the emphasis has been on broadband mapping and what we're going to do in terms of broadband deployment.

But to reach those excluded from the digital world, digital literacy, we need to
be upgrading our commitment to digital inclusion programs, a model that is being used successfully on a grassroots level in New York State and around the country. And would like to -- I think the obvious point is, and there's a survey that is going on now by a different state agency I think to analyze where we have gaps. But people that really are not digitally -- don't have digital access can't really participate to that. We need to be able to reach those folks.

So I make an offer -- I am chair of the Science and Technology Committee in the Assembly -- to try and work with a few of the state agencies to try and promote the digital inclusion model and get that more robustly in your broadband analysis.

And I'll take comments from either of you on that, since you both nodded, and then I'll move on to some other topics.

PSC CHAIR CHRISTIAN: I'll start. I'd welcome the opportunity to engage in that. Anything we can do to increase awareness and
engagement is something I want to prioritize.
So I'd be happy to talk about this further
with you and see where it goes.

ASSEMBLYMAN OTIS: That is great.
That is great.

Moving to the cryptocurrency
proof-of-work mining issue. You know, the
issue -- it points up something that we're
going to have to keep a track on, which is
unanticipated energy demands that really
throw away our ability to meet our climate
change goals.

And, you know, in the same way that
the federal government outlawed gas guzzlers
many years ago, we need to look at activities
to see if the efficiency paradigm is being
applied to new activities. And clearly in
the cryptocurrency world there are efficient
ways to do authentication and there are
inefficient ways to do authentication.

And so, Chairman Christian, on that
issue, one piece of this is the Public
Service Commission currently regulates after
the meter, when the energy is produced and in
the grid and in to customers.

Could you give some thought to looking at whether we should do legislation that would give Public Service Commission some purview over the behind-the-meter activity, whether it's for proof-of-work mining or other kinds of things that we don't even anticipate now, to make sure that as a state we're on top of energy uses that could be inefficient?

PSC CHAIR CHRISTIAN: You've raised some important points. And I can't comment on the need for regulation or legislation or even what shape or form that should take. I'm not in a position to make comments on that, unfortunately.

What I can say is that we are looking at the crypto issue, as I mentioned earlier. Your statement about the difference between -- I want to say it's proof of stake versus proof of -- I forget what the analogy is. But yes, there's a difference in energy intensity, but there's also a concern that one is not as robust from a security
So ultimately, from my perspective, I look at crypto as one of many different industries that are in New York. In terms of our authority to regulate the mining itself, again, we do not have that authority. However, the authority we do have extends to our ability to minimize the rate impacts that such companies may have on our customers.

And, you know, forgive me, I'm trying to recall a specific example from some documents I've read recently, but I know in some municipal areas crypto mining has accounted for almost 33 percent of the utility's load, and in those areas we have authorized or we have worked with utilities to put forward changes in rates that will minimize the negative impacts on the residents of those communities as crypto mining comes into play.

ASSEMBLYMAN OTIS: That's great. I'm sorry to interrupt, but I have limited time and I want to hit one more topic --

PSC CHAIR CHRISTIAN: Sure.
ASSEMBLYMAN OTIS: -- with President Harris.

We're actually having a hearing on November 10th on EV charging stations, and hopefully both of your agencies will participate in that, because there's a good story to tell in terms of some of the rollout.

But to follow up on Assemblyman Epstein's comments, there is a big concern about the lack of public access to charging locations and the lack of visibility of charging stations as an impediment to people having a comfort level to buy electric vehicles. So we'd like to have a more in-depth discussion about the deployment process in a visible way and get any comments from you today on that, but hopefully see you on November 10th.

And one other topic, which I want to not let you talk about EV charging stations, but solar on schools. It seems that NYSERDA has had a program for many years for solar on schools. It seems underutilized. It seems
that we should be pressing that more because we could be do a lot more on rooftops and school buildings.

CHAIRWOMAN WEINSTEIN: Thank you, Assemblyman.

And back to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

And I think we are up to Senator Sue Serino.

SENATOR SERINO: Thank you, Madam Chair.

My question is for Chair Christian. And I apologize if this was already asked, but my office has been getting countless calls from frustrated energy consumers who are being hit with massive bills due to billing errors.

And my understanding is that some of the electric companies may have switched their billing vendors, so consumers were not getting bills for months and getting hit with a huge bill later. Like there was an example of somebody that their bill was $300 every
month and then they got hit with a bill that 
was thousands of dollars. 

And a lot of folks are living paycheck 
to paycheck. And, you know, I understand 
that some people are getting the payment 
plans and the like, but this is incredibly 
unnerving that this has occurred on the scale 
it seems to have happened on. So, you know, 
like I said, a lot of my folks live on fixed 
incomes and it's just not acceptable. 

So what is the PSC doing on this issue 
in regards to consumer protection? And 
what's your response to the folks who are 
really struggling because of this issue? 

PSC CHAIR CHRISTIAN: So first off, 
you know, we take seriously any energy 
provider's efforts to serve customers in 
New York. And we've had, over the history of 
the PSC, several proceedings discussing the 
role, oversight and existence of ESCOs, 
energy service companies in the state. So 
that's an ongoing matter that's a high 
priority of the commission that we 
aggressively look towards and monitor.
You know, we investigate claims aggressively. So if any customers have issues with energy service companies, happy to investigate those if they notify us. Unfortunately, that's usually how we discover there are issues, we are notified.

Regarding the -- though you didn't say this, I'm wondering if your question also relates to an ongoing billing issue with certain customers in Central Hudson's service territory. Is that -- okay. So that's another issue that we are very much aware of. In fact, I have two friends who have been personally affected by that who have shared some of their trials and tribulations with me. So we definitely looked into that.

We know Central Hudson is working to correct the issue, and I believe in the intermediate phase they have suspended late payment charges and they are absolutely not disconnecting consumers for nonpayment.

So, you know, the two priority things to focus on, those have been dealt with.

In terms of addressing the situation
going forward, you know, our staff is going
to continue to monitor the situation until
the billing issue is itself addressed. And
ultimately customers that are affected by
this, they should be -- we're ensuring that
provisions allow for them to make periodic
payments and not a big lump sum payment. I
know it would be a shock to me if I didn't
get a bill for several months and then I did
and it was five times higher than what I
would have expected for a single month.

So we're trying to ensure that
customers are protected in that way. And,
you know, we're working with Central Hudson
and the other providers to ensure that those
protections are in place and that customers
can manage the situation as it develops.

SENATOR SERINO: I just hope it gets
done soon, as I'm sure that you do too,
because the calls that we're getting are
just -- you know, folks are devastated. And
especially now with the cost of everything
rising.

I used to get calls a lot from
seniors, which we still do, but now we're
actually getting them from young families too
that are just panicking. So it's something
that I'm glad that you're aware of and it
sounds like you're working on, and so that's
great.

Thank you very much, Chair.

PSC CHAIR CHRISTIAN: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to
Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Thank you so
much, Chair Weinstein.

And thank you, Chair Christian and
President Harris and Executive Director
Moaveni, for your testimony today.

What I am interested in and concerned
about is New York reaching its goals set
forth in the CLCPA. As you all are very
aware of, you know, we get about 6 percent of
our energy in New York State from wind and
solar. The only reason we're not pumping
more carbon into the air is because of
generational hydroelectric dams in upstate New York, very old nuclear power in Lake Ontario. And I know that we're going to have a lot of new renewables come online in the next few years.

However, I don't believe it will be enough. And I want to ask all of you, why are we handcuffing the New York Power Authority? Why in this budget are we not saying, Let's open up the doors, we have interconnectivity issues throughout the state where we've got solar and we've got wind, and we're not getting downstate. Why don't we use the power of NYPA to get it downstate?

We've got projects that are having trouble getting off the ground. Why aren't we allowing NYPA to own and operate generation stations over 25 megawatts? This seems completely counter to the CLCPA.

And then it's just mind-boggling that still, in 2022, we are subsidizing fossil fuels at $1.5 billion when we could be putting that money, again, into NYPA to get us to reach our goals.
So I get that that's a compound question. But, you know, we have got 6 percent wind and solar. I don't think that we're going to reach these goals of 70 percent just with Long Island wind.

NYSERDA PRESIDENT HARRIS: Thank you, Assemblymember. I appreciate it.

And I -- I'll save you my optimism about the pipeline of projects, but suffice it to say I feel really good about where we're positioned now with the projects that are moving forward.

However, it is also true and I do agree that it's going to take all hands on deck, including the force that is NYPA, to help us responsibly and timely reach our goals, for sure.

So we see great private market response to the demand that we've established through the Climate Act, and I'm particularly encouraged by the roles that NYPA is playing now, notably with respect to transmission development -- as a great example,
projects across the state -- as well as
owning and operating renewables for their
public customers as well.

    ASSEMBLYMAN CARROLL: But Ms. Harris,
why not right -- so why is it -- if it's good
for the goose, why not the gander? If it's
good for public entities, why aren't we
unleashing NYPA into the private market, into
the residential market?

    NYSERDA PRESIDENT HARRIS: So my point
of view is we have significant market
response from the private sector in renewable
energy development -- in fact, a pipeline far
in excess of our goals at this point. And my
point of view is that NYPA is serving an
equally critical role in the roles that they
have assumed already.

    ASSEMBLYMAN CARROLL: But so -- but
what? And maybe I'm ignorant. I'm ignorant
to lots of things. What -- why are we coming
up with arbitrary caps on NYPA? Why can't
they own and operate renewable generation
over 25 megawatts? Why aren't we letting
them have a jump ball, so to speak, for
interconnectivity, so that we can actually
connect the power downstate -- because these
are huge problems right now. And NYPA right
now can't do anything.

Why wouldn't we -- if we -- I'll take
your premise that the private market is
chockful of pipeline-ready projects. Why
don't we let NYPA jump into that stream and
be a player?

NYSERDA PRESIDENT HARRIS: So as I see
it, the private market is doing what it
should and the public sector is doing what it
should at the scale we need to reach our
goals.

ASSEMBLYMAN CARROLL: So are you
saying that you think that it is appropriate
for NYPA to play no larger role than it
currently has as it is, you know, written out
in legislation and policy?

NYSERDA PRESIDENT HARRIS: What I
would say is the framework that we have built
is working well. That would be my point of
view as to my assessment of the market.

ASSEMBLYMAN CARROLL: And you believe
that the private market is going to continue
to build out enough renewable resources to
meet the goals of the CLCPA?

NYSERDA PRESIDENT HARRIS: I believe
that the private market is, as we speak,
building the portfolio -- as I said, as we
speak, to get to 63 percent by 2030.

ASSEMBLYMAN CARROLL: I mean,
Ms. Harris, to be perfectly fair, that
number -- I've been in the Assembly for six
years now. This is my sixth budget. That
number has been at 6 percent these six years
I've been here, which is not a tremendously
long period of time.

However, we don't have many more years
left. We've got, you know, eight years to
build out a tremendous amount, and we've done
almost nothing in six. If we didn't have
Robert Moses-built hydro in this state, we
would be nowhere. If we didn't have the
hydro from Quebec possibly coming down to
New York City, we would be buying dirty
fossil fuel from Pennsylvania.

I mean, I just -- I feel like your
optimism is very rose-colored. And it seems completely counterintuitive and counterproductive to not say let's at least unleash NYPA so that we have all hands on deck, like you said we must have. Because it doesn't seem like the private sector really is building enough renewable energy to meet the goals that the Legislature set out.

CHAIRWOMAN WEINSTEIN: Thank you, Assemblyman.

We'll move to the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

We move to Senator Tom O'Mara, who is the ranker on Finance, and so he gets 10 minutes.

SENATOR O'MARA: Thank you, Chairwoman Krueger and Chairwoman Weinstein, for your excellent work on these hearings.

I want to follow up on where Assemblyman Carroll left off. And I'm looking right now at the New York ISO fuel mix chart. Assemblyman Carroll is right on point. Currently there's 51 percent of our
energy being supplied by natural gas, which
is 18 percent of it, and 33 percent of it is
dual fuel, which is natural gas and other
fossil fuels. Hydro is about 18 percent;
nuclear is about 22 percent. Wind is
6.5 percent, and other -- which includes
solar -- is less than 2 percent.

You know, we are talking about
grandiose plans in this climate Green
New Deal that we're working on, and frankly
I'm stunned, Ms. Harris, by just hundreds of
millions of dollars of costs rolling off your
tongue like it's nothing. We are nowhere
close to being able to meet these demands.

Already on our utility bills, between
a variety of charges such as the SBC, the
RPS, ZACs (ph), MFCs, CES, RECs, ORECs --
making up a substantial portion of the
delivery cost to utilities to ratepayers
across New York State.

Now, with the new transmission lines
that you're talking about, the TDI and the
Clean Path, the Tier 4 ratepayer costs on
these are going to add, from my
understanding -- although you're all hiding it very well from the public -- the additional cost to ratepayers to get electricity downstate, upstate ratepayers are going to be paying residually 5 percent or more increases on their utility bills. Businesses, up to 20 percent or more on their utility bills.

Can you explain to me how this is in any way feasible or rational to do on upstate New York ratepayers to get electricity to downstate where it's needed?

NYSLERDA PRESIDENT HARRIS: Thank you, Senator. I'll try to build on my prior statements in the hopes that -- you know, perhaps it may make sense for Chair Christian to also weigh in as to his and the commission's oversight of issues of cost. Which I assure you, I share the strong disposition to take them seriously in every decision that is made. And notably, the commission should speak to that as to the robustness of our assessments.

But as a general matter, what we see
generally is an investment, an investment in
the transition that the Climate Act
necessitates and I would say that the world
requires as a general matter.

And when we look at the benefits of
these investments, they outweigh the costs.
So -- when we look at it on a societal basis.
So that's why --

SENATOR O'MARA: What are the societal
benefits you generally talk about that are
going to cost us hundreds of billions of
dollars? When we account for, in New York
State, 0.4 percent of global emissions
that -- when we eliminate those to zero,
which I'm in support of going towards and
getting to, in a reasonable and rational
process that we can afford, and not devastate
our economy and the affordability of New York
State in the process.

We need to do it in a rational way.

That 0.4 percent, if we eliminate it
completely, we'll have no impact on the
global climate that is causing the major
disasters that we deal with that we're trying
to address with our clean energy programs. We should be putting money into resiliency rather than this clean energy pie in the sky, because we're going to have no impact on what the global climate is in New York State by eliminating our 0.4 percent of emissions.

NYSERDA PRESIDENT HARRIS: Thank you, Senator. To directly answer your question, when we look at benefits, we're looking at of course avoided greenhouse gas emissions in the first instance, but also healthful benefits to society. So by that we talk literally about life, what are we saving in light of people's health and in their lives themselves.

And of course when we look at benefits, we look at economic benefits. To your point, when we deliver renewables from upstate New York into New York City, it comes with a substantial investment in jobs and infrastructure that we aim to benefit New Yorkers as much as possible, certainly.
So we do need resilience, I completely agree with you. We need to protect our infrastructure and our state against the threat of climate change, and we are investing as such as well.

Would it be useful for the chair to address the issue of ratepayer impacts, though, Senator?

SENATOR O'MARA: Yes.

NYSERDA PRESIDENT HARRIS: Thank you.

PSC CHAIR CHRISTIAN: Good afternoon, Senator O'Mara.

So I mentioned earlier in my testimony during the Q&A that the department aggressively reviews the rate cases provided by the utilities to examine the rate impacts on customers. And I highlighted when compared to what the original request was to what was finally approved, those rate impacts were significantly lower than what was originally presented by the utility.

So as an agency, we take it very seriously what the costs are going to be.

But as I was hearing your argument
earlier against the idea of pursuing renewable energy --

SENATOR O'MARA: No, I'm not -- I'm not against pursuing renewable energy.

PSC CHAIR CHRISTIAN: Oh, I misheard, I'm sorry.

SENATOR O'MARA: Not at all. I'm all for it. I am for pursuing it on a rational and feasible basis, not at a breakneck speed that's going to devastate our economy and crush affordability of New York State.

PSC CHAIR CHRISTIAN: I see. So a few things to be clear, then.

What we at the commission are moving forward with, and what Doreen and others are doing as well, we're doing it in response to the fact that the CLCPA is a law and we have to comply with that law and we have to do so in the most -- in accordance with the requirements of the law, which set a timeline for certain metrics, 70 percent by 2030, 100 percent emissions-free by 2050.

As President Harris and I have stated previously, we have the infrastructure
investments -- sorry, let me rephrase that.

The plans to get to 70 percent or 63 percent are already moving forward, we have those in place and that will be deployed.

Moving forward, getting from that 70 percent to 100 percent is going to be a challenge. And that's a challenge that cannot and should not be downplayed. And it will require a wholesale rethinking in not just the nature of the grid as we know it today, but our relationship with energy as a whole. There are many, many potential pathways to getting to that destination. But what you see coming from our agency, DPS, and from NYSERDA as well, the effort is to identify the least-cost pathway to get there based on the technology and practices that are commercially available today.

The goal is not to present a pie in the sky, hopeful, optimistic view. The goal is to present realistically what is possible with what we have today and what can we accomplish tomorrow.

SENATOR O'MARA: Thank you for that --
PSC CHAIR CHRISTIAN: And there are a variety of reports that we prepared and documented. Happy to discuss those at length.

SENATOR O'MARA: I firmly disagree that we have the technology and innovation to be able to get there today, and these goals we have set are unreasonable.

But if I could just change gears with the 2 minutes I have left. Why are we approving a TDI pipeline to come down the Hudson River with Hydro-Québec Power and not have an interconnect on that somewhere along the Hudson River for upstate New York power to be able to get into or take power out of that in upstate New York?

NYSERDA PRESIDENT HARRIS: Thank you, Senator. Actually, the point you just made is one reason why we have advanced two projects for the PSC's consideration. In large part, we see them as highly complementary to one another, where we have the Clean Path New York project bringing upstate wind and solar and hydro into the
city, and the Champlain Hudson Power Express
bringing in wind and hydro from Canada into
the city, collectively making a significant
impact on one of our hardest-to-make-
renewable grids in our state.

So we see them as complementary, and
we see them as an opportunity for the private
market to participate no matter the
geography.

SENATOR O'MARA: Well, I disagree on
the lack of an interconnect on the TDI,
because that would certainly add to the goals
of what we have of redistributing power from
upstate to downstate.

Now, one last question. On all the
surcharges that are on utility bills that I
listed at the outset, collecting what will
ultimately be billions and billions of
dollars from ratepayers on the utility bills,
why do we not have any independent audit of
these charges being collected and how both
the Public Service Commission and NYSERDA is
expending those or intending to expend those?

If you could address -- do you have
concerns with having an independent audit of those funds?

(Pause.)

PSC CHAIR CHRISTIAN: Sorry, sir, was that question for me or President Harris?

SENATOR O'MARA: For both of you, I believe. Auditing of these massive amounts of dollars that are being collected off ratepayers' bills, an independent audit of those.

PSC CHAIR CHRISTIAN: I will have to get back to you on that, Senator. Fundamentally, I don't have a problem with transparency and oversight. Where I need to get more aware of is the totality of the process. I know I have met with NYSERDA on a number of occasions to discuss these funds. And ultimately that's an ongoing process that the commission engages in.

I'm not entirely sure if it meets the requirements that you have in mind, but I'm open to having that conversation and discussing that further.

SENATOR O'MARA: Well, I don't believe
it does, but my time is up. But one last
just comment --

CHAIRWOMAN KRUEGER: No.

SENATOR O'MARA: -- in the light of
transparency.

CHAIRWOMAN KRUEGER: Tom, why don't
you take it offline with them --

SENATOR O'MARA: Just 30 seconds,
please, Madam Chair. When we're grouping all
the witnesses together, it's very difficult
to get points in that are extremely
important.

And we talk about transparency; we
need transparency for the public of New York
State on what these costs of this green
energy plan is going to be. Because it's all
being whitewashed, it's not being disclosed
publicly, and people are going to be shocked
when they're hit in the pocketbook with these
unrealistic expenses and goals. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

All right, back to the Assembly,

Helene Weinstein.

CHAIRWOMAN WEINSTEIN: We've been
joined by a number of members: Assemblyman Abinanti, Assemblyman Pretlow, and Assemblyman Jonathan Rivera.

And we go to Assemblyman Zohran Mamdani for six minutes.

ASSEMBLYMAN MAMDANI: Thank you so much, Chair Weinstein.

I'll just jump straight into it to make use of the time. We have a target of reducing greenhouse emissions 85 percent by 2050 and a zero emissions grid by 2040. And we've also heard today that there is not a clear plan to meet these goals. We heard earlier from NYSERDA and PSC that we are only on track for 63 percent by 2030, the majority of which is Champlain Hudson Power Express, which is not new renewable generation -- and that we also don't have a clear plan to phase out peakers.

And while the Governor has said that she wants New York to lead the country in renewable energy, we are still stuck at just 6 percent for wind and solar.

I do not understand how all of these
facts can exist alongside your statement,
President Harris, that "the private market is
doing what it should and the public sector is
doing what it should" at the scale we need.
Why doesn't the state itself directly build
new renewables, as outlined in the Build
Public Renewables Act?

NYSERDA PRESIDENT HARRIS: Thank you, Assemblymember.

Certainly as I have communicated and
as I strongly believe, we are poised to meet
or exceed 70 percent renewables by 2030. And
that is a year not far from now, I am well
aware of it. And I believe that we as a
state, and the private sector, have combined
forces to bring forth projects and resources
to bear to reach or exceed that goal.

So I believe strongly that we are on
the right track and that we have the
preconditions to achieve the goals of the
Climate Act.

ASSEMBLYMAN MAMDANI: But at the very
least, why not allow the state to compete on
a level playing field with capital?
NYSERDA PRESIDENT HARRIS: I believe strongly that the state has taken the roles that are most rational and allow the scale to be achieved in ways that are, as I said, indicative of the private/public partnerships that are necessary to achieve these objectives.

ASSEMBLYMAN MAMDANI: I think my core concern -- and I know this is one shared by many of my colleagues -- is that currently we have a hand tied behind our back with regards to what NYPA is authorized to do.

At this very time the Governor has proposed a policy change that would allow investor-owned gas utilities to build district heating, to build heating loops, geothermal, and yet we're not equipping our own public utility to do the same thing.

And it makes no sense to me given that NYPA is such a successful entity, and yet we are not even allowing it to compete with capital that we know from so many different instances does not actually serve our constituents in the way that it should with
regards to the quality of service as well as the price of service.

NYSERDA PRESIDENT HARRIS: So the roles that NYPA is taking today I would say are hugely impactful toward the achievement of our goals. The partnerships specifically that they have forged in the realm of transmission and the leadership that they are showing is absolutely instrumental, including partnering with a number of the private-sector development companies like Clean Path New York, as an example, to tie into one of the statements that you had made.

So NYPA is playing a role. It's playing, in my view, a very critical role today.

ASSEMBLYMAN MAMDANI: Okay, thank you, President Harris.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYMAN MAMDANI: I want to move over to the issue of a statewide gas ban. The Governor has laid out a timeline for 2027. And do you believe that this timeline meets the urgency of the climate crisis?
NYSERDA PRESIDENT HARRIS: Thanks for that question.

I will say the Governor's proposal is not a gas ban. So just for clarity, the proposed legislation is not a gas ban directly, it is an objective to require zero greenhouse gas emission buildings by 2027.

So how will we do that? As I have described, we have a really exciting package, first starting with building codes related to on-site emissions requirements for new construction and renovation of buildings. We see appliance standards as critical to improving efficiency, and we see benchmarking as an opportunity to have a better -- to the points made -- transparency around buildings compared to one another.

So generally this 2 million homes will be achieved through a variety of means, as I have just described.

ASSEMBLYMAN MAMDANI: So, President Harris, what are your thoughts about the incorporation of Assemblywoman Gallagher and Senator Kavanagh's All-Electric Building Act,
which would end gas use in new construction in immediate effect?

NYSERDA PRESIDENT HARRIS: So what we have learned -- and thank you for pointing that out. Over the past year we've been very hard at work -- advised, notably, by a number of sector-specific advisory panels. And we take very seriously the expertise that they bring to bear on the objectives of the Climate Act.

And specific to this 2 million buildings initiative that I had just described, it may be the case that in sub-subsectors we are able to accelerate earlier than 2027 single-family construction, as an example, perhaps, where it may make sense.

But what we have learned is this is the pace that we need to achieve the goals of the Climate Act. And starting in this sector is a really smart thing to do as well.

ASSEMBLYMAN MAMDANI: So I thank you for your answers. I very firmly disagree in terms of the pace that is required by the
climate crisis, and very much believe that we
really do need to compete with capital and
authorize NYPA to do so in its most effective
way.

But thank you for your time, and I
thank all of the other panelists for theirs
as well.

I give back my 9 seconds. Thank you.

CHAIRWOMAN KRUEGER: We'll take your
9 seconds, thank you very much.

Next we have Senator Brisport.

SENATOR BRISPORT: Thank you,
Madam Chair.

And President Harris, I'd like to just
circle back again to the Build Public
Renewables Act, just because I am listening,
I'm hearing what you're saying to my
colleagues about, you know, your opinions on
where we are with the public sector and the
private sector. But I'm just curious of the
reasoning of why we would put this handicap
on the public part, the public sector of the
industry.

Because it seems to me that if it were
true, if you truly did believe that we were on track to meet these goals, that in the same way that NYPA is handicapped and prevented from expanding, the private sector could also be handicapped. Then we could say that no new private-sector companies could come into the sector and build. Then we could say that the current companies that are building out renewable energy could be capped and would need to present no new projects to you.

I mean, do you feel the same way -- in the same way that NYPA is not allowed to expand, do you feel like right now we could cap it at exactly what's going on in the private sector and say we don't need any new projects than what's been presented?

NYSERDA PRESIDENT HARRIS: Thank you, Senator. I am definitely not saying we're where we need to be with respect to private-sector involvement in this transition. We really are at the beginning of this significant change from 2022 to 2050, and we need all sectors to be contributing
fully. And beyond power generation, of course, and beyond.

What I am saying specifically is the private sector has responded fully and completely to the objectives that we have set forth for renewable power generation projects --

SENATOR BRISPORT: I'm just -- respectfully, President Harris, are we at the beginning, like you said, or have they responded fully? Are we at the beginning, or like do we need --

NYSERDA PRESIDENT HARRIS: Yeah, what I wanted to convey is that there are many sectors of our economy that we need to decarbonize. Power generation is sort of the leader, if you will. And in that instance, the private market has responded fully.

In fact, this year alone we have almost 20 projects that -- or last year alone, almost 20 projects that entered construction, large-scale renewable projects. And that's very much the resources that we are looking for to decarbonize our grid.
My point was that we need the private sector to both build on that success and enter other sectors at that same scale.

SENATOR BRISPORT: But I'm just not hearing a response to like parity between the public sector and the private sector.

Why should it be the private sector is allowed to do more than it currently can do but NYPA cannot do more than it currently does?

NYSERDA PRESIDENT HARRIS: As I had indicated, it is the case that NYPA is playing a critically important role and a substantial role, at that, in partnering and building transmission projects and serving their customers with renewables.

So that is a very expansive role and a hugely necessary one for our state.

SENATOR BRISPORT: But -- yeah, but President, I'm not asking about the current role they're playing. The question is whether or not the -- you know, it's about the disparity between the fact that NYPA is disallowed from playing a larger role, where
the private sector is not.

The private sector is free to build out as many new projects for public renewable -- excuse me, for renewable energy as it would like. Right? A new solar company wants to come into New York and build out an array, you know, in two or three years, they're allowed to do that; the private sector continues to expand. NYPA is not.

NYSERDA PRESIDENT HARRIS: Understood.

Well, certainly I would say NYPA does have an expansion that could be advanced with their existing customer base, as an example of places that NYPA could and should be supporting moving forward.

When I think -- when I speak to renewable power generation at scale, I want to be clear: NYSERDA plays a critical role there too, from a public sector perspective, by establishing the procurement goals, by running competitive solicitations and contracting with those private entities to build projects. So in that way, it's very
complementary with NYPA's role as well.

SENATOR BRISPORT: I'm still -- thank you. I'm just still not hearing the opposition to allowing them like the option to -- for NYPA to build new public energy.

What is the opposition? Is there something we should know about NYPA that you're not telling us? Like what is the opposition to allowing NYPA to have a greater leeway in building out these projects?

NYSERDA PRESIDENT HARRIS: Thank you, Senator. I'm not intending to -- to avoid your question. My view is that NYPA is playing a very significant role as it is --

SENATOR BRISPORT: I mean, that -- that doesn't answer my question.

NYSERDA PRESIDENT HARRIS: -- in serving their customers and in transmission development.

SENATOR BRISPORT: Well, I'm asking why they can't do more. And so when I hear you say they're doing enough currently, you're saying that they should not do more. I'm hearing that you're saying that NYPA
should not do more -- should not be more involved than it currently is.

So why? Why should NYPA not be allowed to do more than it currently is?

NYSEDA PRESIDENT HARRIS: Because fundamentally I believe the scope of what they're delivering is already significant.

That's -- that's the reason.

SENATOR BRISPORT: Okay, thank you.

I will cede the rest of my time.

NYSEDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: We've been joined by Assemblyman McDonald, and we go to Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you, Chair Weinstein and Chair Krueger and to the panelists.

And first, just some housekeeping. I would just ask that the chairs kindly share with the members the contact information of panelists so we can contact them offline.

Also, any studies and reports that are being
provided, if they could be shared with the members.

To President Harris, first, I completely agree with the views of my colleagues that NYPA's authority should be expanded.

Some studies and document requests, it would be very helpful if you could provide us energy use projections, how they will be met, including the growing renewable portion.

Second, the state's investment, both private and public, in meeting CLCPA. We obviously can find the public portion in the budget but you refer a lot to the private sector in meeting CLCPA. So I still am concerned that the state's investment is insufficient. But with that said, I'd appreciate whatever estimates of both public and private investment is being provided.

Also would appreciate receiving the studies that had been requested regarding electrification as a better path than natural gas as an interim step, which would be more expensive.
I'll set out all my questions and then have you answer.

How does NYSERDA collaborate with other state agencies to set its own goals, your goals, for meeting CLCPA? And who follows through on them?

Next is, is there consideration being given to discontinuing the practice of transferring Regional Greenhouse Gas Initiative funds to the General Fund?

Questions for Chair Christian.

Hardening the grid: I think it's great that New York State rates high in meeting metrics. Have those metrics been ramped up to recognize that major storm events are occurring much more frequently? And if so, how are those upgraded metrics implemented in the utilities' capital plans?

You referred to burying lines. Would there be grants for pilot programs for municipalities?

Community Choice Aggregation is one of the tools to achieve CLCPA goals.

Sustainable Westchester CCA program is the
first and largest in the state, and they've made great efforts to build it, but there's a great deal of uncertainty around community solar incentives and the pause on opt-out solar approvals has had serious adverse impacts. Please let us know when we can expect approvals for the opt-out.

Last is DPS was working on a significant revision in regulations pertaining to CCA programs to remove obstacles. I have missed it, but we started requesting this three years ago and as I understand, it still hasn't been issued. Please advise when this will be issued or whether statutory authority is needed.

So I guess, first, President Harris.

NYSERDA PRESIDENT HARRIS: Yes, thank you, Assemblymember. I'll try to be brief and leave time for Chair Christian as well.

But with -- I think your first question really had to do with the implementation of the Climate Act by other agencies as well. So it's important to note that we are all bound by the provisions
within the Climate Act as to our decisions. Section 7 of the CLCPA is a great example of it.

And in her State of the State, Governor Hochul committed to issue a new executive order on green procurement for state government, which is in line with the CLCPA. And that is a very transparent and accountable process to measure our progress and the commitments that we need to do as state agencies and lead by example.

Your second -- a great example of partnership, you had asked about it, I'd really love to mention our partnership with Homes and Community Renewal, who helped to cochair one of the advisory panels and subsequently, in their capital plan, have made substantial commitments to investing in building decarbonization and electrification for their portfolio of projects. So it's a great example.

ASSEMBLYMAN BURDICK: I'm sorry, but could you move to the other question?

NYSERDA PRESIDENT HARRIS: Yup. Yup.
With respect to the Regional Greenhouse Gas Initiative, this year's operating plan does include the transfer, as has been in prior years, for programs related to solar tax credits and the Environmental Protection Fund, both in line with the Climate Act.

Chair Christian?

PSC CHAIR CHRISTIAN: Thank you, President Harris.

ASSEMBLYMAN BURDICK: Thank you.

Chair Christian?

PSC CHAIR CHRISTIAN: Regarding your two questions, the first related to metrics. The metrics used are largely based on outages, number of outages that occur, number of customers that are affected, length of those outages. So they are largely independent of changing weather. And in fact continuing to perform well with those metrics in spite of increasing weather is actually a fairly commendable thing to point out.

Ultimately we've --

ASSEMBLYMAN BURDICK: Okay, and
burying lines?

PSC CHAIR CHRISTIAN: -- increased our own standards to ensure reliability during storms and require that emergency response plans be updated regularly and reviewed and approved by the PSC annually.

ASSEMBLYMAN BURDICK: Okay, and burying lines?

PSC CHAIR CHRISTIAN: Your next question, regarding Community Choice Aggregation -- you know, as you probably know, we moved forward with the statewide plan in I believe 2016, and in 2020 we moved forward with a Long Island version of that. We have an ongoing effort now that we believe should be in place by this summer to discuss the benefits and ramifications of potential rollout of a opt-out CCA for the state.

And we can speak to more details on that at your pleasure.

ASSEMBLYMAN BURDICK: Okay, and then I'll just follow up with you, if I could, on that last question.

CHAIRWOMAN WEINSTEIN: If you could
get written responses, Assemblymember, the
time is up.

If we can get written responses to the
many questions --

ASSEMBLYMAN BURDICK: Thank you.

CHAIRWOMAN WEINSTEIN: -- that Chris
posed, and we will share them with all the
members on the panel.

To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

I believe I'm the last Senator in
line. I was trying to just bat cleanup,
everyone.

So I'm a little concerned about some
of the questions you were asked, and I just
want to double-check the facts by asking you
to answer or confirm my understanding.

That actually electrification is going
to save ratepayers money over the current
system, the stronger our electric grid and
options for renewable energy, the lower we're
expecting the rates to be on ratepayers. Is
that true?

I guess it's PSC.
(Pause.)

PSC CHAIR CHRISTIAN: So I don't remember stating that the way you just stated it. But ultimately as we move towards a grid that is based largely on renewable energy, we avoid a pitfall that has long plagued the energy sector of this country, and that's significant swings in the cost of the commodity.

I did not experience the Iran oil crisis in the '70s directly, but anecdotally I know that affected the lives and livelihood of many of my family and I'm sure many of you as well. By moving to renewables we can avoid the significant impacts a similar occurrence like that may create. So that's one of the many potential benefits.

Additionally, keep in mind the transition to renewable energy is not simply we're going to build more renewables and call it a day. This is a multipronged approach that's changing the nature of the grid and, as I said earlier, our relationship with it.

Historically the electric grid as it's
been designed has been designed as a --
largely to respond to whatever we demand of
it. Whether I'm turning on one light or
200 lights, the grid needs to be available to
provide that service. Two-way communication
between users and the grid were limited to
whatever the meter reader would read at the
end of the month.

The litany of proposals that are being
put forward include -- I don't want to use
the term "smart grid," I feel like that's
been used a lot. But it will make the grid
smarter, more intelligent, and much more
flexible. Instead of it being purely
responsive to whatever our needs may be, the
grid and individual customers will be able to
communicate with each other to adjust as
needed.

So one hypothetical scenario that I
would -- you know, to illustrate this point,
if we have an abundance of wind, we can send
price signals to individuals, letting them
know, hey, there's a lot of wind, power is
cheap, you could run your high-energy-
intensive appliances now. Or we could send
signals to battery storage facilities letting
them know now is the time to charge.

The point is in the past, when the
grid was first established and run, these
capabilities were not there. So we're not
only increasing the amount of renewables,
we're increasing our ability to utilize those
renewables effectively and affordably.

And ultimately, yes, in the near term
there will be costs to make this transition
happen. But one thing I would be remiss if I
did not mention, the grid is already fairly
old, so the costs to maintain the grid are
already there and it's something that should
not be ignored. What we're talking about
doing today is not to simply rebuild the grid
as it was, but to take the opportunity where
the grid needs to be replaced and upgraded
and maintained and, instead of replacing it
with something similar, replacing it with
something that's more suitable for this
future that we envision.

CHAIRWOMAN KRUEGER: Thank you. Thank
you. Follow-up, I think probably also for
you, discussion about are we really ready for
EVs and EV buses and won't that increase the
costs or risks of overutilizing our electric
grid.

My understanding is EVs are actually
cheaper to own, much cheaper to fuel, and I
just can't imagine a storyline where we're
going to use up our capacity for electricity
because we shift to electric vehicles. Am I
right or wrong?

PSC CHAIR CHRISTIAN: I would agree
with your view that -- sorry, I would
disagree with the view that adding EVs to the
mix is going to utilize the grid in a way
that would hamper our ability to move towards
our 70/30 goals.

Ultimately -- and again, I have -- I
can think of at least three different studies
that would support this, one from Union of
Concerned Scientists, another from EDF, and
another from RMI. But multiple organizations
support the view that EVs can actually serve
as a hedge. The example I mentioned earlier
where we have an abundance of renewables --
again, you can't turn renewables on or off.
They're simply there when they're there. The
sun shines, the wind blows. That will not
always tie up with when demand is needed.

The EVs, whether they be a bus or a
personal vehicle or some other form, when not
in use can serve as a balancing agent,
allowing us to capture that energy when it
otherwise would not be utilized because it's
overabundant, and then potentially put that
energy into the grid in times of greatest
needs.

So I view EVs as technically and
materially an asset to our future grid, and
I'd be hard-pressed to imagine a future
without them.

CHAIRWOMAN KRUEGER: Thank you.
And I believe that Dr. Harris
explained about heat pumps earlier, that
there is no problem in very cold climates for
utilizing heat pumps. Did I hear you
correctly?

NYSERDA PRESIDENT HARRIS: Thank you,
And so my specific point was that heat pumps can work effectively in cold climates and in fact do work well in cold climates, at a significant scale in Northern Europe, as an example.

But it is the case that they need to be engineered, sized and designed appropriately, and that the building itself -- in the case of many, their home -- needs to also be as efficient as possible; i.e., insulated and resilient in its design.

CHAIRWOMAN KRUEGER: Thank you.

NYSERDA PRESIDENT HARRIS: So yes, that is my statement.

CHAIRWOMAN KRUEGER: Okay, sticking with NYSERDA, so NYSERDA did a benefit/cost study for the Climate Action Council, estimating the state needs to spend at least $10 billion a year through 2030, and more after that, to fund all the policies necessary to meet our legally mandated climate targets.

Can you tell me what the state's
currently spending annually toward that $10 billion? And how much new money for climate mitigation is included in this year's Executive Budget?

NYERDA PRESIDENT HARRIS: Well, certainly. So it is the case that when we look -- as an administration of Governor Hochul's, we take climate change very seriously, and we are pursuing an aggressive climate agenda, as was indicated in her State of the State and in her Executive Budget. Which includes investments across all sectors of our economy.

So I would say, first of all, it is a top priority from a budgetary perspective. But notably, it is also the case, and has been discussed at length in this hearing, that there are also other levers, including off-budget funding that is being committed toward the achievement of the Climate Act goals. When we look at it generally, this year alone, we are expected to commit over $30 billion off-budget to achieve Climate Act goals, primarily in the power generation
sector but also in transport and in buildings.

And then, of course, we have many other levers we can achieve -- the 2 million buildings as a great example of a legislative agenda to help achieve our goals as well.

CHAIRWOMAN KRUEGER: But if I were to ask you for a master list of how much money is being spent related to climate change, could you pull that out of the budget for us?

NYSERDA PRESIDENT HARRIS: With respect to the budget, certainly. But I would probably also want to include the off-budget list, Senator.

CHAIRWOMAN KRUEGER: Good. Off-budget as well, yes. Thank you.

NYSERDA PRESIDENT HARRIS: Happy to provide that.

CHAIRWOMAN KRUEGER: Okay. I'll be happy to share it with everyone, Senate and Assembly.

This came up once, but I just want to clarify. So the Executive Budget proposal needs to be consistent with Section 7 of the
CLCPA. And I'm just -- I mean, that's by law. So I'm -- and you talked about the Governor going to do an executive order on an assortment of things related to that.

What happens if something in the budget language doesn't jive with CLCPA? Who's the arbiter of getting that fixed?

(Pause.)

CHAIRWOMAN KRUEGER: Uh-oh, I stumped everyone.

NYSERDA PRESIDENT HARRIS: (Laughing.) Well, I'm thinking to myself, of course, as I -- I'm thinking about the Executive Budget. I haven't seen any signal to the otherwise. So I'm thinking about it from a legal perspective, of course.

I would imagine, in that instance, if there were something out of alignment, it would be resolved through the budget process, and raised accordingly.

CHAIRWOMAN KRUEGER: And then just finally, does the Executive Budget adhere to the mandate that at least 35 percent of clean energy spending be dedicated to benefit
environmental justice and disadvantaged communities?

NYSERDA PRESIDENT HARRIS: Well,
certainly with the frameworks that we are
required, under the Climate Act, when we
think about the 35 and 40 percent
consideration, as you have pointed it out, it
is with respect to our collective investments
in clean energy. So to the extent that we
have agency investments, they certainly do
comply.

And when I think about the provisions
within the budget, I would say the same. The
Bond Act is a great example of it, but also
as we implement at NYSERDA our programs under
the Clean Energy Fund and beyond.

CHAIRWOMAN KRUEGER: And I'm going to
cede back the rest of my time. Thank you
very much for your testimony today.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: Yes, we have I
think about 10 Assemblymembers. So just
interrupt me as we go through the list if any
Senators get added.
So we'll go to Assemblywoman Barrett.

ASSEMBLYWOMAN BARRETT: Thank you.

Thank you all for your leadership and your patience.

I'm going to -- there's been a lot of very specific and detailed information, so I have one specific question for Chair Christian, and that is about what you're doing with cellphone service. I know, you know, broadband has been a huge priority, but I can't drive from my Albany office to my Hudson office without losing phone calls multiple times. So I want to know where that is on the radar screen.

And then I have a sort of philosophical question for all three of you to, you know, get your perspectives on this.

The legislation that we passed is called "Climate Leadership," which we all know what that means, and "Community Protection Act." We are a home-rule state. And I'd really like to understand from the leadership of all three of your offices, how you view and prioritize and balance the
community protection piece with the climate leadership as you -- as we move forward.

So whatever order you want to do this in, please -- you've got 4 minutes and 52 seconds to finish up. It's all yours.

PSC CHAIR CHRISTIAN: Why don't I start off.

So your first question concerns wireless communications. So ultimately -- I'm trying to remember the specific date, but I know sometime in the mid-'90s the Public Service Law was modified to give the commission regulation of wireless service. It's been -- it was previously limited to federal law -- limited by federal law.

So ultimately -- da-da-da-da-da-da-da. We know how important it is. It's definitely a priority of the work that we're doing, particularly in rural areas. And wireless companies do come to the commission, and department staff, regularly for assistance related to their networks and service. I'm thinking out loud here. And one potential option may be to pursue something similar to
the broadband map mentioned earlier, to
identify areas where investments are needed.
Not committing to doing that right now, but
I'd like to look at the issue further, follow
up with you, and maybe have a discussion on
what form that may take.

Regarding the CLCPA, execution of the
CLCPA from the commission perspective largely
takes form within rate cases. We've had
several rate cases over the past few months,
most recently the NIMO rate case in which the
Albany project -- that was part of that. We
discussed that earlier today.

But ultimately we have taken a variety
of steps within the rate case to try to align
with the CLCPA. We've been prioritizing the
removal -- sorry, yeah, the removal of
leak-prone pipes. We've developed enhanced
methane detection systems and programs.
We're discontinuing the marketing of natural
gas efforts -- that lines up with the
hundred-foot rule that we were talking about
earlier. And also providing educational
information to customers and industry about
alternative options for heating and pathways for reducing emissions.

We also have prioritized energy efficiency in demand response as part of the effort to minimize capital projects that may be necessary for larger investments. These are fairly low-hanging-fruit investments, so to speak, that can address many issues.

Now, related to the second part of your question on the CLCPA, how do we ensure that the benefits actually accrue in disadvantaged communities, that the definition for disadvantaged communities is being developed. I know with a recent meeting an interim area has been set and established. But once that definition is established, we'll be in a much better position to laser-focus those benefits and --

ASSEMBLYWOMAN BARRETT: So can I --
sorry to interrupt. But, I mean, the definition -- are we just -- I mean, how does a rural community that is actually potentially disadvantaged by one of these sites end up being part of the conversation
if it's not sort of the classic part of your
definition of community -- a community in
need and what you're protecting?

That's kind of what I'm trying to get
at here.

PSC CHAIR CHRISTIAN: I think I'll
need to follow up with you a little bit on
that one.

ASSEMBLYWOMAN BARRETT: Okay.

PSC CHAIR CHRISTIAN: In part -- you
know, again, much of what we are doing,
particularly with the broadband initiative,
much of that focus from an infrastructure
perspective is actually going to be targeted
at rural communities. So that that's
something that we already have a fairly clear
need on.

In terms of the CLCPA, I think one of
the broader concerns that has been addressed
in the meetings has been how broadly do we
define what a disadvantaged community is.
Once that definition has been codified, I
think we'll be in a better position to answer
the question you pose. But until then, I
don't want to speculate and, you know, potentially misdirect and mislead.

ASSEMBLYWOMAN BARRETT: Mr. Moaveni?

ORES EXEC. DIRECTOR MOAVENI: I mentioned this earlier, that the office recognizes that public participation is a critical part of Executive Law 94-c, and the regulations provide local government and host communities with increased transparency and protection over major siting concerns.

The regulations provide local governments and the public to participate in the siting process through multiple opportunities, including preapplication consultation, which is a mandatory consultation that the office will not deem any application complete without proof of meaningful engagement with local government and host community members.

The office provides -- the new siting process provides local government and community members with funding to participate in that administrative hearing. And also those groups then have an opportunity to
participate in the whole administrative
hearing and raise significant substantive
issues that the office will take into
consideration in making final decisions for
those projects.

ASSEMBLYWOMAN BARRETT: Can I get
President Harris, or maybe do we have to do
this offline?

CHAIRWOMAN WEINSTEIN: If you could do
that offline, that would be helpful.

And we'll circulate any -- I just want
to remind the chairs, commissioners, that any
answers that are sent to members offline need
to also be sent to my office and Senator
Krueger's office so we can circulate to all
of the members the answers to the questions.

So next we'll go to Assemblywoman --

ASSEMBLYWOMAN BARRETT: Thank you.

CHAIRWOMAN WEINSTEIN: --

Assemblywoman González-Rojas.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.

Thank you so much for your testimony.

Senator Krueger may have touched on
this a bit, but I want to just dig in a
little bit more.

The 2022 Regional Greenhouse Gas Initiative, their operating plan transfers over $50 million to the Clean Energy Fund and the Long Island Power Authority. Are these programs that the funds are supporting, are they in compliance with the environmental justice spending requirements? Particularly as we have not yet completed that definition. How is that spending meeting those needs and requirements?

And then what percentage of the RGGI funds are currently directed to the environmental justice and low-to-moderate-income communities? And what does that look like? Again, even at a point where they're not fully defined, but we have to start mapping those investments, and I want to hear more about that.

NYSERDA PRESIDENT HARRIS: Yes, thank you, Assemblymember. I'm wanting to make sure I convey the fact that every decision that we make, including our RGGI operating plan that was just approved by our board, is
consistent with the Climate Act.

And in fact the operating plan that
was just approved contemplates over
40 percent of those funds to benefit
disadvantaged communities, according to the
definition that we are aware of and that, per
the prior point, that the Climate Justice
Working Group is advancing soon for public
comment as well.

So it is central within the RGGI
operating plan; it's central within the Clean
Energy Fund and beyond.

I'm particularly excited, actually,
this year by some of the initiatives that
were part of the operating plan, notably
clean energy hubs as an example of a program
that is designed to build regional and local
capacity within disadvantaged communities to
improve not only engagement but also the
acquisition of these services that we have
just described.

But certainly, beyond that, we
continue to invest in our workforce and in
our communities consistent with the
Climate Act.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.

And this question is for the PSC. I'm hearing from residents throughout the city who are receiving what -- it feels like surprise bills. I know other members have raised this, the costs from companies like Con Edison. A colleague in fact sent me a copy of their Con Ed bill where they had combined gas and electricity charges over $800 for a 34-day billing period between December 15th of 2021 and January 18th. So this is like their last bill. The combined delivery charges alone for this colleague were over $550. And the supply charges were upward of $300, which I understand is not regulated.

And I know that Con Edison is proposing higher rates in 2023 that would increase overall customer electric bills by 11 percent and gas bills by over 18 percent.

So can you explain how we get to our CLCPA goals while ensuring that our working-class ratepayers aren't bearing the
brunt of hundreds and hundreds of dollars of electricity and gas costs in the process?  

PSC CHAIR CHRISTIAN: Thank you. I'll start from the back and work my way forward.  

So in terms of consumer protections, as I mentioned earlier, we have the backbone of the Home Energy Fair Practices Act serving as the foundation for which many consumer protections in the state are founded.  

And that allows for deferred compensation agreements, it has provisions on how and when you can shut a customer off. For example, customers cannot lose their heating service for nonpayment during the heating season. So these things are about protecting safety and ensuring people have the ability and options to pay at a later date and time if they're hit with significant bills.

On top of the existing provisions of the HEFFA were certain COVID-19 emergency provisions enacted about shut-off moratoriums. Those have since lapsed. But ultimately, even though they did lapse, they
provided some protection for a good deal of
time, and we still have the underlying HEFFA
upon which we rely from a consumer protection
perspective.

    Now, that is in addition to -- I said
this earlier; forgive me, I'm trying to
remember the exact numbers. We have a
significant increase in funding for our
energy affordability programs. We increased
the budget from roughly $230 million to
around $360-odd million. So we've taken
steps to not only protect consumers but
provide them with funding for affordability
issues.

    The second part of your question
related to rates, and I want to highlight
just in 2021, when we look at what utilities
originally requested at their preliminary
rate request and what was actually provided
at the end, ultimately the department
provided roughly 8 percent of what that
initial request was.

    I'm not saying this is something that
will continue going forward, nor am I
claiming that this will apply to Con Ed that
you cited those numbers earlier. But I do
want to use that as a reference point that
what you originally see at the very beginning
of a rate case is not always what you end up
with.

And to make the counterpoint, we've
had some instances where utilities have
requested rate increases and we've decided
that their requests were too low and they
needed even higher numbers.

But ultimately the goal of the
commission is to ensure the main pillars of
our regulation -- our obligations are met to
regulation. That's safety, affordability,
reliability and environmentally appropriate
service.

And it is a balance. You know, we
must maintain health and well-being of the
system and these investments are with that
goal in mind. But we try to ensure that the
investments are affordable and needed for
customers.

ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Eight
hundred dollars doesn't feel affordable for a, you know, small family. So I just want to name that.

CHAIRWOMAN WEINSTEIN: Thank you.

And now we'll move to Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you, Chair Weinstein. And thank you, President Harris and Chair Christian and Mr. Moaveni for your testimony today and for the great work that you're doing.

I have many questions, but I'm going to try and narrow it down, since I only have three minutes -- or six minutes, I guess. So the first question I have is to Mr. Moaveni. I know that the survey has been -- or the mapping survey has been launched. What is the response rate so far, and what are you doing to market the broadband survey such that we get a truly complete picture of not just where the gaps are but where the gaps in meeting a standard service level are?

ORES EXEC. DIRECTOR MOAVENI: That
sort of question -- I think Chair Christian
would be better suited to answer that
question.

      PSC CHAIR CHRISTIAN: Yeah, thank you.

      So the broadband survey is underway.
We anticipate its completion in the next few
months. And at that point what you'll have
is a map highlighting in real time what is
going on from a broadband perspective within
the state. So we'll know areas where
broadband is available, yes or no. We'll
also know the speed of the broadband and the
general availability of the service and what
services are available to consumers.

      ASSEMBLYWOMAN WOERNER: Excuse me for
interrupting.

      What has the response rate been so far
to the survey? Are you getting people
responding to it? Because I don't think it's
well publicized. That's my question.

      PSC CHAIR CHRISTIAN: Okay, I can't
speak to the response rates. I do know that
responses have been coming in fairly
steadily. I can check with staff, and that's
something I can follow up with you after the call.

ASSEMBLYWOMAN WOERNER: Thank you. Because I would -- our broadband initiative is really dependent on getting those maps right, and that's going to be dependent on getting input from people across the state.

So my second question is probably directed at President Harris. What role do you see for waste energy systems, specifically anaerobic digesters as part of the renewable energy mix in New York State?

NYSERDA PRESIDENT HARRIS: Yes, thank you. Nice to see you again, Assemblymember.

So there's a couple of things embedded within that question. First of all, what constitutes renewable has been a focus previously as to sort of What counts towards 70 by '30, according to the Climate Act. But -- and in that realm, those types of facilities certainly are not eligible for the Climate Act.

However, as we look at our current accounting as part of the Climate Act, I
would say an open question will be fundamentally where waste fits into the broader planning -- beyond 2030 -- of the state. We had a waste panel that was actually established as part of the advisory process, and I would say that panel did look at digesters as a means to reduce emissions. But the key was that they needed to have beneficial uses collectively.

So this is going to be one that is considered over the coming year, as I said, as we look beyond 2030 into the broader goals of the Climate Act.

ASSEMBLYWOMAN WOERNER: Okay, terrific, thank you.

Then of the programs that are proposed for EV charging -- we've talked a lot about how important it is to really get that EV charging infrastructure expanded across the state. It occurs to me that consumers are used to fueling their cars at a gas station and that the big opportunity is to get the private sector to be willing to add, to their product mix at gas stations and convenience
stores, charging stations.

So my question is of the programs that are proposed for EV charging infrastructure, which of those programs would support gas station and convenience store owners to make the investment to add EV fast chargers to their product mix?

PSC CHAIR CHRISTIAN: So I'll take that one, Assemblymember.

ASSEMBLYWOMAN WOERNER: Sure.

PSC CHAIR CHRISTIAN: So the program itself is open to all, not necessarily specific to any particular industry. So gas stations, convenience stores, Walmarts, whatever it may be, if they had an interest in providing that, there are existing programs through utilities throughout the state that they could pursue to install that infrastructure. And those programs have long existed.

The new Make-Ready program, which was announced in 2020, it calls for 50,000 additional charging stations -- sorry, 50,000 in total charging stations by 2025. With,
again, the goal of that, we're providing
$700 million, of which 200 million is going
to go towards low-income communities.

And in terms of where those locations
are going to be deployed and allocated, we're
looking at both ensuring that access is a
prime consideration wherever they're going,
so we don't want any issues where a charging
station is deployed and it's used once a
month or something like that. An
underutilized station is an ineffective
station, ultimately.

So the siting of these things will be
based on need, based on where cars are
deployed and where people are going, and
that's an evolving and fluid situation that
will change over time. But the funding is
available and individuals can pursue
installations.

ASSEMBLYWOMAN WOERNER: My
understanding is that one of the -- one of
the reasons why the private sector,
particularly the small gas stations and
convenience stores, have been reluctant to
make their own private investment is that the
demand charges, because we're -- you know,
we're still at the beginning of the adoption
curve, the mainstream adoption curve for EVs
to begin with, that the demand charges
associated with the businesses will go up
because of an infrequent use right now of an
EV charging station at a gas station, for
example.

You know, obviously a larger venue,
like a Walmart or a mall, is going to have
more traffic. There's more cars that will be
there. But as I said, the consumer behavior
links fueling their car to going to a
Stewart's, for example. And the demand
charges are a problem.

CHAIRWOMAN WEINSTEIN: Thank you,
Assemblywoman.

ASSEMBLYWOMAN WOERNER: Thank you,
Chair Weinstein.

CHAIRWOMAN WEINSTEIN: We're going to
move on to Assemblywoman Fahy. (Pause.)
If she is not here, we'll move on to
Assemblyman Lemondes.
ASSEMBLYWOMAN FAHY: Did you say --

CHAIRWOMAN WEINSTEIN: Oh, here is --

okay, here's Assemblywoman Fahy.

ASSEMBLYWOMAN FAHY: I'm sorry, I missed the last few minutes, I had to step out with my son.

But I just want to say -- echo very much the comments that you've heard today regarding EV infrastructure and the need for some very, very serious speed on that. I also have the bill on electric buses and -- the electric school buses, I should say, although I want to see transportation as well taken care of.

I know you've answered a number of these questions today, so I'm just going to echo the comments on those. And I think getting the infrastructure ready is just absolutely critically important. Broadband continues to definitely be an issue in the district as well, and I'm going to turn it back over and -- I know I'll shock the chair with this, but I'm going to turn over the remainder of my time, as we've been
multitasking.

But I do appreciate the -- all the comments that have been made today and want to continue to work with you -- oh, last comment. I also really appreciate -- Doreen Harris at NYSERDA, I really appreciate you as president mentioning the appliance bill as well, and energy appliances. We talk so much about infrastructure, we talk about building efficiencies, all very needed. But as you know, I had the bill on vampire electronics a couple of years ago and I worked very closely with your shop and have a couple of related bills to that.

So small appliances, large appliances, all of that adds up. And I don't think we can be aggressive enough. So look forward to continuing to work -- as well as on carbon removal initiatives.

So I'll turn that back to the chair, and thank you so much for the opportunity here.

CHAIRWOMAN WEINSTEIN: Sure.

Assemblyman Lemondes.
ASSEMBLYMAN LEMONDES:  Le-MON-deez.

Thank you.

CHAIRWOMAN WEINSTEIN:  Lemondes,
sorry.

ASSEMBLYMAN LEMONDES:  That's okay.

My question is for President Harris.

Thank you for joining us today.  I appreciate the opportunity to interact with you.  I have three short questions.

The first one is, does NYSERDA envision a complete phaseout of nuclear power over the next decade or two?  Number one.

Number two is will NYSERDA respond to the -- if you have not already -- the October 14, '21, New York Independent System Operator letter?  And to date, I am told that there has been no response to that letter.  So if you could tell me, will that letter be responded to and when?

And third, if you could clarify NYSERDA's position on the impacts of wood burning for upstate New York residents who often, by the thousands, either heat completely with wood or offset their energy
costs with wood and are recognizing that wood
is a renewable resource, et cetera.

Thank you.

NYSERDA PRESIDENT HARRIS: Thank you,
Assemblymember.

I believe your second question related
to perhaps a petition that the
Independent Power Producers had filed with
the Public Service Commission. And in that
instance I think I would probably ask
Chair Christian to weigh in as to the status
of that petition, if that was your question.

ASSEMBLYMAN LEMONDES: Yes.

NYSERDA PRESIDENT HARRIS: Okay. Let
me try the first and the third and then
Chair Christian, if that's okay.

PSC CHAIR CHRISTIAN: Yup.

ASSEMBLYMAN LEMONDES: Perfect.

NYSERDA PRESIDENT HARRIS: Great.

With respect to nuclear power
generation, first, notably, it is the case
that we are implementing the program for the
zero-emission credits as authorized by the
Public Service Commission in support of the
upstate nuclear fleet and will continue to do so according to the contracts that we have signed.

With respect to the longer-term assessment, I will say that the Draft Scoping Plan that is out for public comment now does include the continued operation of that fleet toward our broader 2040 and 2050 goals. So I would just say, as a baseline condition, that was certainly the assumptions that had been made.

Chair Christian, do you want to go next on the IPPNY petition, and then I'll talk about wood briefly?

PSC CHAIR CHRISTIAN: Yeah, I fear I'm in a position where I'm not in a good place to comment on that right now. I'm happy to follow up with you. But again, it's a petition coming before the commission, and this may not be the best venue to comment on that -- the specific items on that. But happy to follow up with you --

(Zoom interruption.)

ASSEMBLYMAN LEMONDES: Okay. So as
long -- you will follow up, though?

PSC CHAIR CHRISTIAN: Yes, absolutely.

ASSEMBLYMAN LEMONDES: All right,

thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

And then on the question of wood

burning, just for absolute clarity, there is

nothing in the scoping plan that would

contemplate a ban on wood burning at all.

Instead, there is an assessment of

electrification, certainly, for heating that

may result in a reduction in wood burning,

particularly upstate. But as a general

matter, there is no assumption of a ban of

any sort.

ASSEMBLYMAN LEMONDES: Okay, thank you

very much.

CHAIRWOMAN WEINSTEIN: Thank you.

So now we go to Assemblywoman

Buttenschon.

Is she here? Then we'll go to

Assemblywoman Septimo. There we go.

ASSEMBLYWOMAN SEPTIMO: Hi, there.

Thank you so much.
And thank you to the presenters who have been here and spent so much time with us this morning and this afternoon. I will be brief.

To President Doreen Harris, I wanted to just come back to the idea that RGGI dollars being pulled into the General Fund are aligned with the CLCPA. First, I know you'd mentioned before that because of the solar credit program that it would sort of still work.

The notion of a credit, the notion of someone receiving a tax credit means that they would have to spend money up front. And when you're talking about environmental communities, many of which are low-income, people are just not -- sort of don't have the capacity to do that kind of spending up front.

And so thinking about how you're imagining that the solar credit program will balance 35 percent of those dollars coming back to that community when that's the reality.
NYSERDA PRESIDENT HARRIS: I do appreciate the question. And I think certainly looked at in isolation, it is the case that there are so many pieces coming together to bring forward the solar goals, and in fact the expanded solar goals, as identified by Governor Hochul last year.

It is the case that we need all hands on deck, as with many things, and when I think about tax credits, it's a piece of a bigger puzzle that collectively can aid in achieving our solar goals, which are integrated with our goals to provide 35 to 40 percent of benefits to disadvantaged communities.

ASSEMBLYWOMAN SEPTIMO: Great. So I think -- I'm happy that that was the answer, because I think it really underscores the idea that there is no way to really guarantee that those solar credit dollars will make it back into the communities.

If that money stays in RGGI as it is, that's $8 million going to environmental justice communities guaranteed, right,
because that's what the law says. If you
raid the fund and move it into the solar
credit program, then you're removing the
guarantee that those $8 million would go to
those communities. And that is cause for
alarm for me, already asking environmental
justice communities to shoulder more burden
by removing resources that are guaranteed
from them.

And secondly, I think just
specifically to talk about RGGI raiding, RGGI
is a program that was created after the solar
credit program, and so the idea that RGGI
funding is being pulled into the General Fund
to pay for a program that existed before its
existence sort of undercuts the point of RGGI
existing at all. And I think it kind of
violates the spirit of why you create a new
program.

And so ultimately really want to urge
you all to reconsider this RGGI raid for your
21-day and 30-day amendments, because I think
raiding RGGI funds (a) is going to cost
environmental justice communities at least
$8 million. And this was just a really bad habit of the last administration to kind of repurpose this funding over and over, and we'd love to see that really end now.

And I will yield the rest of my time to the chair. Thank you.

NYSERDA President Harris: Thank you.

Chairwoman Weinstein: Thank you.

So now we go -- I see Assemblywoman Buttenschon is on camera. So to you.

Somehow -- Marianne, you're speaking but we -- try again? We couldn't hear you. Can you speak?

We're not hearing you. I think we're going to actually have to skip you -- you may have to log out and log back in. So why don't you do that -- yeah, we still don't hear you. So why don't you log out, log back in, and we'll go to Assemblywoman Glick.

Is she available? There's Deborah.

Great. You're on, Deborah.

Assemblywoman Glick: Thanks so much.

We have enforced ADD by having our tablets on one table and our desktops over
The question that I have, and maybe -- it's going back to the renewable sitings. We made some changes to accelerate the ability for these larger projects to come online. I know my colleagues who represent areas where there's a lot of farmland at threat -- and I agree with their concerns wholeheartedly. I may represent Lower Manhattan, but my folks like to eat too. They have become friendly with a lot of farmers, and those concerns are raised directly with my constituents.

One of the issues that I don't think's been discussed is what is the review -- these projects, in order to keep the solar array safe from the incursions of vegetation, you know, use, according to what I've been told, a great deal of herbicides. And there are projects that are near other viable land, and there are concerns about water quality and groundwater spoilage, for lack of a better word.

And I'm wondering whether there's any part of the review -- it's not a SEQR review.
That may have been for smaller projects, but
the larger projects are on a modified review.
Do you include any review around what
materials will be used and whether or not
those will migrate into groundwater and
damage streams or other -- or the water
supply of neighboring farms and ranches? Or
just people's wells?

ORES EXEC. DIRECTOR MOAVENI: I
suppose that question is for me --

ASSEMBLYWOMAN GLICK: Yes, indeed.

ORES EXEC. DIRECTOR MOAVENI: Sure.
It's a very, very good question.
So from -- as I mentioned earlier, the
office must consider the environment and
consider all pertaining social, economic,
public health, safety and local input in
making a final decision about these projects.
We promulgated a comprehensive set of
regulations to address major siting concerns
and potential adverse impacts of these
facilities, to allow us to evaluate -- first,
to receive the necessary information to make
appropriate findings and evaluate and make
decisions accordingly.

So on the list of items that you just mentioned, I can just tell you all of those are covered by our regulations, including potential impacts to water resources, doing certain surveys pre- and post-construction to make sure that we are not potentially contaminating any local public resources and water resources. I can go on and on.

And with respect to just public health and safety, it's a paramount concern of this office. We take that very seriously, and we look at it in the context of side-by-side, project-by-project specific, and in light of the CLCPA targets and the environmental benefits of these facilities.

So I certainly respectfully refer you to the regulations that are posted on our website, and I would be happy to answer any questions you might have.

ASSEMBLYWOMAN GLICK: Well, one other question on that. We -- these facilities, for their own security, have very large, high fences -- I would think to keep out people,
but also to keep out wildlife that might come
over the -- you know, into their area.

But in some instances those rather
industrial -- what is the -- without going to
your website, can you give me some idea of
how far they have to be from individual
homes? Because I've heard that there are
some places where somebody has bought up
parcels and assembles a large parcel, and
it's isolating people's homes, you know, and
they feel like they are in prison because
they have chain-link fences all along the
opposite road from them.

Is there some buffer distance from
private residences that are required?

ORES EXEC. DIRECTOR MOAVENI: So yes,
we have setback requirements in our
regulations as like the absolute minimum
safety requirements. If I remember
correctly, it's 200 feet from any public
residence.

We look at the local laws and consider
all the -- again, the project-specific and
site-specific factors, and we reserve the
right to adjust that minimum setback
requirement on a case-by-case basis.

ASSEMBLYWOMAN GLICK: Well, I
appreciate that. But I would suggest that
that may not be sufficient for private
residences.

Thank you.

ORES EXEC. DIRECTOR MOAVENI: Sure.

CHAIRWOMAN WEINSTEIN: We move on
to -- let's see if Assemblywoman Buttenschon
is -- if we're able to hear her now.

Maybe you have a different device that
you can try and just let your office call my
office if you're -- if we're able to hear
you.

So we're going to go to Assemblyman
Anderson.

ASSEMBLYMAN ANDERSON: Thank you so
much, Chairwoman Weinstein.

And thank you, President Harris and
the rest of the folks who are on tonight's
panel.

My first question is for PSC. In
terms of regulating utility companies, it
looks like you guys put in the Executive
Budget an additional four full-time employees
for support and investigations of utility
performance and enforcement. What does that
exactly amount to, those four employment
positions, in the face of constituents that
may face higher-than-normal electric bills
and working through some of those issues?
That's my first question.

My second question for you,
Chair Christian, is utility companies often
provide utility to public housing
developments, but yet there is no liaising
between the public housing, you know,
authorities and instances in that respect.
So I'm just wondering with the additional
staffing that you all have proposed in the
budget, will there be better liaising or
dedicated liaising for -- between the
residents of public housing developments that
are provided a utility and the company?

My questions for -- I'm just going to
shoot them all out because we have a limited
time. My questions for President Harris,
just sort of want to drill down a little further on the question that my colleague Mr. Mamdani asked about the New York Power Authority. It looks like there's additional funding -- there's, excuse me, a decrease in funding to NYPA proposed in the Governor's budget.

But I'm just wondering what -- I guess what preventative -- what measures are being put in place to ensure the growth of NYPA and the expansion of NYPA given the limited scope that NYPA has currently?

And then I'll pause to get answers from Chairman Richards {sic} and then President Harris, and then I have my last set of questions for NYSERDA.

PSC CHAIR CHRISTIAN: Okay, so I will move quickly.

So the Executive Budget increase that you're seeing this year, if approved, would allow us to hire 37 new full-time employees. And to reiterate, that's the highest increase we've had since 2014. And that actually restores us to the staffing level we had a
few years ago. So this will definitely help us address a number of the new priority areas created by the passage of the CLCPA, particularly with deployment of renewables, deployment of CLCPA policy, resilience, oversight enhancement, so on and so forth.

To address your specific question regarding customer outreach and helping consumers, as it is today, our agency staff -- our Consumer Services Unit does that outreach, and they represent roughly 20 percent of our agency staff. And a portion of that allotment of 37 would likely go towards that group. We're working out exactly those allocations --

ASSEMBLYMAN ANDERSON: I'm sorry, but Chairman Richardson (sic), what do you mean, that group? Are you speaking specifically about public housing residents getting liaising -- liaisoning support?

PSC CHAIR CHRISTIAN: So, sir -- it's Christian, by the way.

ASSEMBLYMAN ANDERSON: Christian. I'm sorry, Christian.
PSC CHAIR CHRISTIAN: It's okay.

That's fine.

I'll answer that question next in a moment. But no, I'm not talking specifically to public housing. This is our Consumer Services Unit that's applicable to all customers for all utilities throughout the state.

Specific to public housing -- this is a subject near and dear to me specifically because of my time with the New York City Housing Authority in years past -- there is a liaison or should be liaisons already in place between the utilities -- specifically NYPA -- and the New York City Housing Authority. I believe these are still in place. If not --

ASSEMBLYMAN ANDERSON: I can assure you they're not. I've had gas outages as well as power outages in the short year and a half that I've been in office, and getting PSEG alive on the phone, for example, for those units has been frustrating just to say the least.
PSC CHAIR CHRISTIAN: Oh, I see.
Okay. So this is something I'm very interested in following up with you on and, if you're comfortable having a conversation after this meeting, would love to understand the concern and which public housing authorities are in question. I think there may be disparate experiences across the state, and I'd love to better understand that.

ASSEMBLYMAN ANDERSON: Thank you.
PSC CHAIR CHRISTIAN: Thank you.

ASSEMBLYMAN ANDERSON: And really quickly, for President Harris, my two questions for you.

NYSERDA PRESIDENT HARRIS: Thank you, Assemblymember. I apologize, there was one question with respect to NYPA that I'd be glad to take up.

ASSEMBLYMAN ANDERSON: Yes, okay, so then let me throw my NYSERDA in really quickly.

Offshore wind projects that are projected to take place in and around the
Rockaway Peninsula, just off the shores of it, you know, I'm not hearing much from NYSERDA about MWBE contracting and hiring requirements and it's definitely concerning. So I just want to know what the goals are and how the agency plans to reach it.

So those, NYPA and then the MWBE for offshore wind.

NYSERDA PRESIDENT HARRIS: Certainly. Well, on the NYPA part, I would have to defer you to NYPA -- refer you to NYPA, sorry, just because I don't have particular expertise with respect to the transfers that are typical for NYPA into the State Budget. So I'll leave it at that.

On the offshore wind front, we have an incredibly strong commitment and in fact a contractual one that the developers engage and, to the extent possible, contract with MWBEs. So I'd be glad also to understand the source of that information, as it is very much not consistent with our objectives.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYMAN ANDERSON: Thank you very
m much.

CHAIRWOMAN WEINSTEIN: So we think we have Assemblywoman Buttenschon. She's gotten the tech help to redo the computer. So Marianne? Let's hold our fingers crossed.

ASSEMBLYWOMAN BUTTENSCHON: Can you hear me?

CHAIRWOMAN WEINSTEIN: Definitely.

Okay, you're on.

ASSEMBLYWOMAN BUTTENSCHON: Thank you so much, everyone, for your -- chairs, to our panelists.

Many of my colleagues have brought the questions up concerning rate increases, the wood burning, to just name a few, that reflect my district. However, I do have two questions.

Delivering quality and reliable internet access to all New Yorkers is a priority. However, I've heard from my small companies in the district that provide this service, and they have stated that the PSC filings have become complicated and detailed to the point that they either have to hire an
outside consultant or dedicate staff to meet the needs of these filing deadlines.

Can you advise me if there's any plans to assist our small businesses with this overwhelming task, as well as the overlapping of federal filings so that they could merge together?

And I'll give my second question regarding solar energy. Our solar goals are commendable, but I have concerns about the conversion of our much-needed productive farmland to solar industrial parks. So my question is how many state-owned properties currently host or are being considered to host industrial solar parks, as well as with the new NY-Sun program, do we prioritize utilizing developed and/or urban-suburban properties over our farmlands?

Thank you.

PSC CHAIR CHRISTIAN: So I'll start with your first question regarding internet filings.

So generally speaking the process that we have -- the process we have has been in
place for a very, very long time. I don't know the exact length of that time. But ultimately it's a uniform process that all utilities must comply with, be it Con Edison or a small -- smaller telecom company.

I'm not entirely sure what the issue is, as it was presented to you. However, I am curious to learn more about the problems they encountered in the process and see if it's possible we could have discussions with those affected and come up with a way to streamline that process in some way.

I know that our offices do assist companies in developing their proposals, so that's potentially an option that we could pursue. But ultimately I feel like a follow-up would be the best way to address that issue that you've raised today regarding --

ASSEMBLYWOMAN BUTTENSCON: So I guess I just want to ask, so you haven't required more filings for these companies over the last --

PSC CHAIR CHRISTIAN: No, the filing
process is fairly consistent and uniform for everyone.

ASSEMBLYWOMAN BUTTENSCHON: And it hasn't become more detailed or complex.

PSC CHAIR CHRISTIAN: No. No.

ASSEMBLYWOMAN BUTTENSCHON: Thank you.

PSC CHAIR CHRISTIAN: No problem.

NYSERDA PRESIDENT HARRIS: With respect to your question about state-owned properties, in fact I would say that that is a central consideration of our Build-Ready program that NYSERDA is implementing and looking at what is deemed underutilized sites for solar installations. And in fact we have worked very closely with OGS and others to sort of winnow down state-owned properties for consideration and are advancing a number of sites now through that process.

And in addition to your question around our broader goals, as a general matter it will serve us all well to site solar on underutilized land. And that is --

ASSEMBLYWOMAN BUTTENSCHON: So again, how much state property at this point is
being utilized for solar industrial?

NYSERDA PRESIDENT HARRIS: I apologize, I will have to get back to you with the exact metric. But I'm remembering dozens if not more that we were looking at; I just don't have the installation numbers, which we'll get back to you on.

ASSEMBLYWOMAN BUTTENSCON: And as you're aware, the question revolves around the concern of the farmers in my area that -- so again, do we prioritize developed property in urban and suburban settings over our rural farms? Or is there no priorities?

NYSERDA PRESIDENT HARRIS: There are certainly priorities both in our NY-Sun program with programs -- or subsets that are focused on brownfields, landfills, rooftops and the like, as examples.

And then further through our large-scale renewables program, we actually provide a framework that preferentially benefits developers who avoid those lands altogether as well. And certainly a great partnership with the Department of
Agriculture & Markets in that respect.

ASSEMBLYWOMAN BUTTENSCHON: Okay. So again, would it be 50 percent that you see moving towards developed, or are you moving more towards the farm properties? Or you're going to have to get back to me.

NYSERDA PRESIDENT HARRIS: I would have to -- yeah, I don't --

ASSEMBLYWOMAN BUTTENSCHON: Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYWOMAN BUTTENSCHON: I look forward to that, and others. So thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN WEINSTEIN: I'm going to call on Assemblywoman Griffin. She was having some connection problems, so she may be on her phone. So let's see if that works.

ASSEMBLYWOMAN GRIFFIN: Okay, this is Judy Griffin. Can you hear me?

CHAIRWOMAN WEINSTEIN: Yes, we can, Judy, we can hear you.

ASSEMBLYWOMAN GRIFFIN: Okay, thank you, Chair. I will try to be brief.

My first question is to Chair
Christian of the PSC. Following up on Senator Kaminsky's and Assemblymember Ra's statements or questions about the legislation we passed to lay the framework for the municipalization of water, I just wondered, now that it's moving along, commissioners have been chosen, it seems that to move it forward there's going to be a need for an allocation of funding.

And I wondered what your thoughts are on that -- you know, if it seems like that should be laid aside or we should request that it be laid aside. So I just wanted your feedback on that.

PSC CHAIR CHRISTIAN: I regret that I'm not entirely sure how to answer that question.

ASSEMBLYWOMAN GRIFFIN: Okay.

PSC CHAIR CHRISTIAN: But from the perspective of the PSC and just my understanding of the process, the recent order we established kind of lays out a framework and a study which can be done to enable municipalization. But in terms of the
specifics behind it and the mechanics of it, again, that's something that the local authorities and the organizations established with that goal in mind -- I think it's the North Shore Water Authority and the South Nassau County Water Authority --

ASSEMBLYWOMAN GRIFFIN: Yes.

PSC CHAIR CHRISTIAN: -- ultimately the decision to move forward with that would be in their hands. But I can't speak to it more than that, unfortunately, I'm sorry.

ASSEMBLYWOMAN GRIFFIN: Okay. And then another question related to that is in -- during this time Liberty purchased New York American Water. And I know that part of this legislation was -- there was a freeze on rates. But I just wondered, does anything change because it was bought out by a new company? Or is PSC still going to be able to impose that freeze in rates?

PSC CHAIR CHRISTIAN: I'm sorry, impose that -- I'm having trouble hearing you.

ASSEMBLYWOMAN GRIFFIN: Oh, I'm sorry,
maybe you'll hear me now. I'm wondering with
the -- with part of that agreement was
there -- like there was a rate freeze on any
more rate hikes to American Water customers,
who are now Liberty customers. And I just
wondered, with the new company that bought
American Water, is that rate freeze still in
effect?

PSC CHAIR CHRISTIAN: Yes, absolutely.
That was a condition of the purchase, and
that is in effect, yes.

ASSEMBLYWOMAN GRIFFIN: Okay, very
good.

And then I just have one question for
Chair Harris of NYSERDA. And the question is
back in the fall we had an En Con hearing,
and I asked questions about New York Solar
does not give incentives or rebates to
Long Island solar customers, and this has
really negatively impacted the solar market
on Long Island. And I just wondered, are
there any plans to provide for any incentives
or any rebates for Long Island customers?

NYSERDA PRESIDENT HARRIS: Certainly.
Thanks for the question.

I would say as a general matter Long Island is well out of the curve with respect to solar deployment. In fact, I think the number I had seen recently was over 750 megawatts of solar deployed across Long Island. So as a general matter, really good progress there.

And I would say beyond that, as we look to our 10 gigawatt goal that we have now initiated with the Public Service Commission, I would say that the LIPA board and the LIPA team would generally look to contribute commensurately through their own programming that may be supported, you know, through various means, is probably the best way to put it.

ASSEMBLYWOMAN GRIFFIN: Okay. All right. Well, thank you very much. I appreciate your answers. Thank you.

NYSERDA PRESIDENT HARRIS: Thank you.

ASSEMBLYWOMAN GRIFFIN: Bye-bye. I will concede the rest of my time. Okay, thanks.
CHAIRWOMAN WEINSTEIN: We will go to Assemblyman Walczyk.

ASSEMBLYMAN WALCZYK: Thanks so much, Madam Chair.

Madam President, nice to see you and converse with you again. Appreciate all the answers today.

You told Assemblywoman Lunsford that we're looking at double peak and double overall for electricity usage in New York State, was that right? Did I hear that right?

NYSERDA PRESIDENT HARRIS:

Approximately, yes. That's a 2050 number. But yes, that's the --

ASSEMBLYMAN WALCZYK: Is there any kind of idea or perspective of the breakdown of industrial versus homeowner? Would we anticipate the majority of that would be on the homeowner?

NYSERDA PRESIDENT HARRIS: Can you expand on that question? I want to make sure I enter it factually.

ASSEMBLYMAN WALCZYK: Yeah. If you're
doubling the overall electricity usage in New York State, how much of that would be on industrial purposes?

NYSERDA PRESIDENT HARRIS: Got it.

My recollection is it was actually a fairly even split. The integration analysis that we produced provided a split between residential and then commercial and industrial. And if I recall, I think it's about half and half.

ASSEMBLYMAN WALCZYK: Pretty even? Okay. What -- and I've asked some of these questions before, but you probably have some more numbers these days.

What number of homes in New York State have 100-amp service or less? Do we have any perspective on that?

NYSERDA PRESIDENT HARRIS: Yes. Yeah, thank you for that question. I know we had talked about this a year ago or thereabouts, or maybe less. And it is something we've been working on carefully. Because as you have indicated, and we agree, electrifying homes is going to potentially necessitate
upgrades to fully electrify. So the panels that may be existing may need to be upgraded to have 200-amp service, and in some cases even more, depending on how much electrification we're talking about, particularly of vehicles.

And as I believe my team has shared with you, but I have now further confirmed, it looks like on average we are looking at a need for an upgrade of about a quarter of our building stock to that type of service. So again, it would be about a quarter that might have under 200-amp service now that would need to be upgraded.

ASSEMBLYMAN WALCZYK: Okay, so you're operating under the idea that 200-amp service is going to be suitable for most homeowners in New York State?

NYSERDA PRESIDENT HARRIS: That's correct. The higher amperages would be necessary perhaps if you had a -- more than one vehicle to charge at a time or other heavy -- high-load needs.

ASSEMBLYMAN WALCZYK: And maybe you
know this answer, Madam President, or maybe
we have to tap one of your colleagues here.
What would the average cost for a homeowner
to upgrade from 100-amp to 200-amp service
look like?

    NYSERDA PRESIDENT HARRIS: So I think
I would have to ask a colleague for that.
When we look at the broader needs for
electrification, I look at it on a full
capital cost basis, which would include both
the upgrades as well as the provision in this
case of heat pump technology to electrify the
heating and cooling.

    So unless Chair Christian has anything
to add, that's the general -- I look at it
collectively rather than the very specific
cost of the upgrade.

    ASSEMBLYMAN WALCZYK: Okay. If we're
going to collect them, then, I guess you've
got the upgrade of insulation in order to
make heat pumps even marginally feasible for
the purpose of heating -- at least air source
heat pumps, right? You've got the upgrade of
a 100-amp to 200-amp service for at least a
quarter or 25 percent of New York State homeowners. You've got the upgrade of the transmission lines possibly that could be increasing the capacity for each neighborhood to be able to handle all of those doubles in amperage service to those neighborhoods.

When you total all that up, what does it look like for the individual homeowner in those 25 percent cases?

NYSERDA PRESIDENT HARRIS: Yes. So the metric that I had wanted to reference that I had earlier was really with respect to new connection, Assemblymember. So if you're looking for sort of a retrofit cost, I probably shouldn't attempt an answer.

But if you're interested in sort of what is a new electrified home cost on a capital cost basis versus one utilizing gas for heating, I'd be glad to provide that.

ASSEMBLYMAN WALCZYK: Yeah, really I think -- and honestly, this would be some suggestion or direction back to you. I think given population trends and the fact that we lost half a million people in the last two
years, we're really not looking at a whole lot of new builds in New York State.

I think retrofit, especially when you're talking about poor and disadvantaged New Yorkers, is probably the best way to look. We have a really old housing stock in the district that I represent, and it's dissimilar than most districts in upstate New York, where we'll be looking at shifting from those gas appliances that run pretty cheaply and, in large, efficiently to heat homes especially. And if you're shifting that home to, you know, $10,000 or $15,000 worth of heat pump technology, $5,000 in National Grid upgrades for the service to that home, the internal guts to electrify -- and then we haven't even begun talking about the cost of installation of new insulation that we're buying from China, you can see that tally can get up -- I mean, I've heard figures anywhere from $10,000 to $50,000 for this 25 percent of New York homes that you're talking about.

Am I in the right ballpark here?
NYSERDA PRESIDENT HARRIS:  Yeah, I
would say that it very -- as you have
accurately identified, and on the basis of my
personal experience, it does very much depend
on the nature of the fuel that you are
currently using.

And so for me, in a rural area where
the predominant heat source is oil or
propane, it actually makes much more economic
sense in the very near term to electrify my
home. And then as those costs come down, we
get closer to parity and reach parity for
other natural gas customers as well.

But the capital cost of this equipment
roughly is in line, as I understand it, with
your estimates.

ASSEMBLYMAN WALCZYK:  I -- thank you
for that. I do appreciate it.

I'm going to jump geopolitical real
quick. I think most of us realize that China
is not a really excellent climate partner
when it comes to all of the goals that we've
set forth. I think many of us wish that they
would jump on board.
Is there anything the CLCPA, our statute, the Governor has presented that will require us -- or will prohibit us from buying all of these products, from insulation to mini-splits, to, you know, all of the technology -- heat pumps, wind, solar, all of those things -- anything to prohibit us from purchasing those from China?

NYSERDA PRESIDENT HARRIS: Certainly the Buy America provisions from last year's budget is a good example of something that we're working now to implement, really looking at our domestic supply chain and fundamentally what areas, as to your point, of the foundational equipment we could and should support not only from New York but frankly from the U.S. And I know President Biden is -- his policies in Buy American are quite similar.

So I would say, with respect to renewables, we're hard at work in that regard.

ASSEMBLYMAN WALCZYK: Thank you for the time.
Thank you, Madam Chair.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Brown.

ASSEMBLYMAN BROWN: Thank you, Chair.

My question is really for any of the three panelists. Just to put it into context, my district, District 12, has the Northport Power Plant. I could actually hit it with a stone's throw from my house.

And I had two questions that relate to as we move towards an all-electric economy, my question is how are we going to bridge the tax base for host communities that rely on those property taxes to subsidize the school districts?

Last year, in a one-house bill, there was some money that was set aside for that school district, East Northport School District, and some others, to help lessen the blow from a recent tax certiorari case.

And what is the long-term plan where if we're replacing the so-called dinosaur plants with alternative energy, there is as
far as I know no taxes that are going to, you
know, stem from offshore wind or solar
installations. So how do we make up the
difference and how do we help host
communities make that transition to an
all-electric economy? That's my first
question.

And I might as well just get my second
question out too. As an owner of an electric
vehicle, I do appreciate the fact that
gas-powered vehicles pay a gas tax which
helps subsidize the repairs on our highways.
And as more and more electric vehicles are
put on the road, how are we going to make up
the differential in the gas tax?

(Pause.)

ASSEMBLYMAN BROWN: That's for any of
the panelists.

NYSERDA PRESIDENT HARRIS: Certainly.

Well, on the first topic, it is true
that there are a few different work streams
that are underway around the transition, as
we call it, to clean energy. Your particular
equivalent is one that I think is likely going
to be true for other communities as well. In
fact, the Just Transition Working Group has
focused on this point directly over the past
year or more.

So the ESD program, the Electric
Facility Cessation Mitigation Program, is a
good example of a framework that is helpful,
at least in the first instance, to ensure
what I would say is -- will allow the
transition to occur in a more equitable way
by providing economic development
opportunities in those communities.

It is also the case that we at
NYSERDA -- and really to help these
communities in this transition -- have
developed a site-reuse toolkit to aid the
communities in navigating the site reuse
questions and, frankly, to determine the best
productive new use for retiring
infrastructure as well.

ASSEMBLYMAN BROWN: So President
Harris, I appreciate that. And I also
recognize the fact that there's a gigantic
substation that's next to the power plant.
And the reuse and redevelopment, you know, of that is very important to our community. So I look forward to, you know, being involved with those discussions along with my Senator colleague.

NYSERDA PRESIDENT HARRIS: Yes, thank you. And certainly hope to engage with you directly if there are opportunities to do so.

On the tax question, this has actually been a significant point of discussion among the Climate Action Council members, and specifically the Transportation Advisory Panel, which includes obviously my colleague and, most expert on this topic, Commissioner Dominguez.

However, I would say the final scoping plan is really going to be looking at what we call economywide strategies because of the fact that there will be a necessary shifting of sort of the sources and uses of funds through this transition. This is indeed a national and a state issue together.

And I would say also, as to the point with respect to federal interventions, the
formula funding is an opportunity for us to
advance again that economywide strategy as
well.

ASSEMBLYMAN BROWN: Great.

And my last question I have I think is
more directed to Chair Christian.
Assemblyman Thiele has a bill, LBDC Number
136010600-1, which calls for the
municipalization of LIPA. It never really
sat well with me, and the more I got involved
with the LIPA lawsuit, the recent one, why
LIPA is not subject to the PSC. You want to
take a stab at that and the proposed
municipalization and how you feel about the
proposed municipalization?

PSC CHAIR CHRISTIAN: A couple of
questions in there.

So I don't feel one way or the other
about the proposal. I know municipalization
was first proposed -- or most recently
proposed in the wake of Tropical Storm
Isaias, and that was viewed as an option to
achieve a number of the objectives set out
for reliability. Ultimately -- and forgive
me, I'm trying to remember the exact details here. But I believe the settlement with PSE&G Long Island ultimately achieved all the goals that were set forth at the beginning of that process.

So, you know, the -- ultimately if there's a choice to municipalize, as I've said with other instances, it would be a local choice. It would take several years and ultimately need to be vetted. And that's all I can really say to that.

ASSEMBLYMAN BROWN: Okay. Thank you.

CHAIRWOMAN WEINSTEIN: We have two members before we go to the panel of public -- so we have Assemblyman Manktelow, and he'll be followed by Assemblyman Tague.

ASSEMBLYMAN MANKTELOW: Thank you, Chairwoman.

President Harris, just a question going back on something you said earlier today, quite a bit earlier. You said there are health benefits to the students that are riding electrical buses. Do you remember saying that?
NYSERDA PRESIDENT HARRIS: Oh,
definitely. Yup.

ASSEMBLYMAN MANKTELOW: So I did some
research here, and talking to many of the bus
mechanics and engine mechanics, and what
they're telling me now is with the new
standards and the diesel engines, that the
air going into those engines are cleaner than
the air coming out the back side.

So is there something that we can do
to maybe slow down the push of electric buses
to help the schools get through this hump?
And also not just the schools, but talking to
the local electric suppliers, you know, it's
going to take time to put these substations
in, get the power to them. Is that a
consideration?

NYSERDA PRESIDENT HARRIS: Certainly.
So I'm glad you're doing your research as
well.

So when I talk about the school bus
proposal within the budget, I think it's
important to note that there are a few
different ways to advance this type of
initiative. And the specific language is zero-emission school buses. So just for clarity, I want you to know that, you know, there could be multiple pathways to achieve that objective, depending on how -- again, what technology is brought to bear, fundamentally, to achieve that zero-emission framework.

So with that said, I would say in the near term, as with many things, we see a future that points to electrification as the most direct and near-term opportunity, but with medium and heavy-duty vehicles like buses, I would say there are other technologies that are advancing in parallel. So I think it could be the case that your specific question could be fulfilled in another way as well.

ASSEMBLYMAN MANKTELOW: Okay, thank you for that.

One other question, Madam President. You were talking about wood burning earlier, and I know in my district we have a lot of people that burn wood. We have a lot of
Amish families and communities that that's all they use. And you said there was nothing in the policies or whatever we're going to do to stop that. Is there ever going to be a charge to them for burning wood?

NYSERDA PRESIDENT HARRIS: So just to be clear, I'll say it again: Our scoping plan does not contain any recommended actions related specifically at wood burning. And in fact it definitely does not include a ban or a proposed ban.

As I had indicated, it is likely the case that residential wood use could decrease in the future, along with efficiency improvements and electrification as prescribed. And frankly, in some of these very cold climates in the northern part of our state, it could be needed to bolster a heat pump during periods of really, really cold temperatures.

So as a general matter, that's the framework. There is no contemplated fee or anything of the sort related to it.

ASSEMBLYMAN MANKTELOW: Okay, I
appreciate that.

I'm not sure who to ask this question to. But as we continue to move forward with green energy, more electrification, when we're not putting any more pipelines in, when we're not putting any more fuel oil containment locations, what happens when the power goes out? What is the backup?

PSC CHAIR CHRISTIAN: Well, I'll -- if you don't mind, I'll answer a little bit of this.

So the goal of all of our efforts, and you've heard bits and drabs of this throughout my testimony today, is to make the system as reliable and as connected -- interconnected as possible. The existing grid as we have it, or as it was originally built, was very much a command-and-control grid: Centralized power in one place, users of that power in another, and power moved in one direction.

What we're proposing is a grid that is far more interconnected, where power consumers are also power providers. So an
individual with a solar on their roof, an EV in their garage, could as much use power from the grid and provide power back to the grid. So in systems where we do have outages, where a power plant isn't working or we're not providing enough power, that ecosystem of distributed resources envisioned for the future can provide that additional point of resiliency. So that's one.

In addition to that we are talking about making the grid itself much more robust. So I mentioned earlier an undergrounding study that we're pursuing, and that's going to help with making the lines less prone to storm damage.

And then finally, with the individual homes themselves -- and Doreen mentioned this earlier -- we want to make sure that they're well-insulated and that they can essentially use less energy when it is needed most. So if you imagine an older home, it's very leaky, you have that oil burner burning, you're using a lot of oil to keep that place warm, and much of that heat is flowing out
the leaked-heat gaps in the windows and the
roof. By tightening those homes and making
them airtight, you need significantly less
energy to keep that same space warm.

So there are a lot of things that are
being built in right now from multiple
perspectives. None of them by themselves is
sufficient to meet our needs. But
collectively, they work together to create a
system where we can not only use less energy,
but create a more resilient grid that can
take us to the future.

ASSEMBLYMAN MANKTELOW: All right, I
appreciate those answers. I know my time is
up. So the executive director for Renewable
Energy Siting, I'll send you my question.

So thank you. Thank you, Madam Chair.

CHAIRWOMAN WEINSTEIN: We go to
Assemblyman Tague, the last member with
questions before we move on to the panel.

ASSEMBLYMAN TAGUE: Well, thank you,
Chairwoman. And I'd also like to thank
Chairwoman Krueger, our ranker, Ed Ra, and
Senate Ranker O'Mara. Thank you and your
staffs. I know this is a tough job, and we're probably not even at halftime yet, so it's probably going to be another long night. But thank you very much to you folks and your staff for this hearing.

I'm going to start off asking President Harris a couple of questions. And please, if I've asked the wrong person, Mr. Christian or Mr. Moaveni, please feel free to chime in.

But we had a hearing earlier this year as well, and I think Assemblywoman Rojas and myself both asked a question that never got answered. And I'm going to ask it again. What is the definition of environmental justice community? And what is the -- also, what is the definition of a disadvantaged community?

I'm going to follow up to that. And how do we determine that those communities indeed fit that definition? And then what do we do differently with those communities than we do with other communities?

NYSERDA PRESIDENT HARRIS: Certainly.
And I'm glad you've asked the question again so that we can make sure we get it answered.

So the Climate Justice Working Group has certainly been hard at work over the course of the last year and beyond, first to develop a draft set of criteria to identify what disadvantaged communities are -- we call that an interim definition -- so that we could begin to direct our funds accordingly, consistent with the Climate Act objectives.

So I would say in the first instance there was an interim definition which now actually has been advanced to a draft definition that will be subject to public comment over the course of 2022. And fundamentally what we're talking about is a set of criteria that can allow us to look on a map and identify communities where we want to direct our investments and the benefits thereof.

So there's a really long list of criteria that are indicators to help do so, and then specifically there was a proposal to expand beyond that to include any low-income
household no matter where they live in the
state so that we captured even, you know, the
more rural communities where the draft
criteria might not pick up.

So I would say that is going to be the
subject of a public comment period very soon,
120 days. And my hope is at the end of the
day we have a very clear framework that we
can all work from to direct these well-needed
investments.

ASSEMBLYMAN TAGUE: Okay. Then I
just -- I have two other quick questions.
Actually, one's more of a statement.

We've talked a lot about wind power
and solar today, and I think that
Senator Hinchey, she and I -- we represent
much of the same area. I think she did a
very good job of explaining the concerns that
all of us have with the usage of farmland, so
I'm not going to get into that.

But I've heard several times today
that NYSERA and the CLCPA put benefits of
the investment, which you put in the billions
of dollars -- you put the benefits higher
than the costs. But I have some concern there because do we really know what the benefits are? I mean, can you sit here today and tell us what the benefits are? And to be quite honest, really, no one has knocked down a dollar amount to exactly what this is going to cost.

NYSERDA PRESIDENT HARRIS: Yes, thank you for that question as well.

So the framework that was part of the scoping plan is what we call a societal look at costs and benefits. And certainly this is on the basis of a well-established body of work when we talk about what the benefits are.

So generally, by category, I think about the first in the realm of emissions reductions central to the Climate Act, certainly. Second, health benefits that will come in the realm of better health overall, avoided hospitalizations and deaths resulting from these emissions. And then third, the economic benefits that will come from the investments as well.
So I would say we worked very hard to ensure that through that assessment we used not only the best body of literature and analysis, but also put it to bear on our own policy, which when collectively, on a societal look, was all added up, we saw significant net benefits through these investments.

ASSEMBLYMAN TAGUE: I appreciate -- I appreciate your time. I think this is to be continued. But I appreciate your time, appreciate all of you for testifying today.

Thank you, Chairwoman.

CHAIRWOMAN WEINSTEIN: Senator Krueger, so the Assembly --

CHAIRWOMAN KRUEGER: Yes. The Assembly is complete?

CHAIRWOMAN WEINSTEIN: -- is exhausted and has exhausted our list.

CHAIRWOMAN KRUEGER: (Laughing.) And the Senate has also exhausted our list.

And as many people said, to be continued -- because, as I often am caught saying, if we don't address climate, pretty
much everything else we care about becomes
moot pretty quickly.

So I want to thank all three of our
panelists for spending so much time, and for
so many thoughtful responses. And I think
you have a better sense of where the concerns
of the Legislature lie. But I assure you
that we want to work with you because we need
to be successful and we need you to be
successful.

So I'm going to excuse you all and
continue with the panel of nongovernmental
representatives -- of course you can stay and
listen. You can stay all day and night if
you like, that's what we'll be doing.

NYSERDA PRESIDENT HARRIS: Thank you.
Thank you for having us. I really appreciate
it.

CHAIRWOMAN KRUEGER: Thank you very
much.

NYSERDA PRESIDENT HARRIS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

ORES EXEC. DIRECTOR MOAVENI: And for
the opportunity.
CHAIRWOMAN KRUEGER: Thank you.

I'm going to read through the list of the nongovernmental testifiers for this part of the hearing and then just ask you each to, in the order I read your names, just then start to testify.

You each have three minutes, and then all legislators have up to three minutes to ask questions of the panel.

The Long Island Progressive Coalition, Ryan Madden, sustainability organizer; the New York Geothermal Energy Organization, Bill Nowak, executive director; Food & Water Watch, Alex Beauchamp, Northeast regional director; Public Utility Law Project of New York, Richard Berkley, executive director; and Sane Energy Project, Kim Fraczek, director.

And just in the order I read you, you should start your three minutes of testimony.

MR. MADDEN: All right. Good afternoon at this point, everyone. Thanks for slogging through.

My name is Ryan Madden, with the
Long Island Progressive Coalition. Long Island is on the frontline of climate change, and we pay some of the highest electricity rates in the country. It is with the reality of the climate and energy crisis and our ongoing commitment to climate justice and energy democracy that we offer the following for inclusion in this year's budget.

We join with hundreds of organizations across New York State in calling for the inclusion of a $15 billion investment in climate, jobs and justice, a figure that represents the investments necessary to meet our goals under CLCPA, a figure that was most recently validated by New York State itself. The Climate Action Council recently adopted NYSERDA's estimate that we need a minimum of $10 billion annually, with increases every year starting now, to maximize the benefits and reduce climate risk.

The Governor's Budget includes a $1 billion increase to the Environmental Bond Act, along with other important climate spending, but it does not nearly reach the
scale that we need. And without proper funds, we risk turning the CLCPA into a paper tiger.

We will need to determine a long-term revenue stream to meet these figures over time, but this year must be the year that we acknowledge the reality of what's needed and commit to it.

We must include the Long Island Power Authority Commission Bill in this year's budget, along with a sufficient appropriation in order to staff and support it. The time to reimagine LIPA is long past due. Our utility and the systems of oversight around it have failed Long Island and the Rockaways over and over again. It is time to end decades of failed public-private partnerships that have put profits over people. We need true public power. LIPA can save nearly $1 billion over the next decade through municipalization. It can lower rates, improve service for customers, invest in resilient infrastructure, and improve its crisis management with these resources.
This commission process will develop the roadmap for the restructuring of LIPA so that it is led by those most impacted by decisions concerning our energy system. With the end of PSE&G's contract in 2025, there's no time to waste.

We must also include the NY Build Public Renewables Act in this year's budget. Currently NYPA is legally prohibited from owning more than six utility-scale generation facilities. BPRA would remove this limitation, allowing NYPA to scale up renewable energy generation faster, cheaper and more efficiently, with the workers and communities in mind, in ways the private sector will never do.

As the country's largest publicly owned energy provider, NYPA can take advantage of having some of the highest-rated green bonds in the country to make the up-front investments that are necessary to put us on track to meet our renewable mandates. This proposal is revenue-neutral.

And according to research by UPenn, BPRA
could add up to $90 billion to the state's economy over the next decade and up to 51,000 sustained and largely union jobs.

And finally, we must include funding in the budget to ensure that the Office of Renewable Energy Siting can hire an Indian Nations liaison in order to facilitate consultation, provide a single point of contact for nations, developers, regulators, and others, and help guide conversations or mediate should applications or permitting plans become controversial. This will be crucial to ensure our build-out of renewables does not impact or destroy Native nations' cultural resources, including marked and unmarked graves and former village and hunting sites, among others.

Thank you for your time.

CHAIRWOMAN KRUEGER: Thank you.

Next?

MR. NOWAK: Thank you, Senator.

My name is Bill Nowak. I'm the executive director of the New York Geothermal Energy Organization, a nonprofit trade
organization. We have about 300 paid members in 66 different companies.

I'd like to speak in favor of including four bills that are currently before the Legislature as part of the budget process. And primarily I wanted to talk about two related to geothermal energy: The geothermal tax credit bill that would give a 25 percent tax credit up to $5,000 for geothermal installations, and that's sponsored by Senator Kennedy and Assemblymember Rivera, and the sales tax exemption bill, by Senator Sanders and Assemblymember Rivera.

Both geothermal and solar access renewable energy and provide a host of economic and environmental benefits, in line with New York's priorities. And we're looking to get parity with solar in terms of the way it is incentivized in New York at this point. There are four elements to the solar incentives: A federal tax credit, rebates, a state tax credit, and a sales tax exemption. And all four together make solar
affordable. We did it on our house, and it
took all four of those to make it affordable
to us.

Only two of the four are available
currently for geothermal, the federal tax
credit and the rebates. So we really need a
sales tax credit and the sales tax exemption.

It was clear to all who watched the
Climate Action Council process that it will
be difficult to find the dollars necessary to
make transition to renewables affordable in
New York State. There's only so much that
ratepayers can pay through the systems
benefit charge and other means. And I submit
that a tax credit that utilizes the
progressive income tax is the fairest
available source of funds as we look to
increase incentives.

These two bills passed in 2015
unanimously, with bipartisan sponsorship and
support, and I salute all the legislators on
the call who were part of that effort. The
Governor at that point vetoed them, saying
they were outside the budget process and
NYSERDA hadn't yet completed its plans for electrification of the building stock. Neither of those apply at this point. We want to do it within the budget, and NYSERDA is clear on electrification as one of its main strategies.

So we urge you to include these two bills. I also urge the codes and standards bill from Parker and Fahy, which would save consumer dollars and allow the codes to regulate greenhouse gas emissions. This is very important.

I want to compliment the Governor for her sunset on new construction that shows up in her budget. It sends a clear message that the end is near for fossil fuels, but it doesn't go quite far enough. We would like to see the Kavanagh/Gallagher bill that sets the sunset date at 2024 included. It's just plain wrong at this point to build a building with fossil fuel heating systems that will last another two or three decades spewing climate pollutants.

Thank you very much.
CHAIRWOMAN KRUEGER: Thank you.

Our next is Food & Water Watch.

MR. BEAUCHAMP: Thank you, Senator.

I'm Alex Beauchamp. I'm the Northeast region director at Food & Water Watch. We are a national environmental group focused on fighting for those things we can't live without: Safe food, clean water, and a livable climate.

I submitted written testimony; I'm going to try to just summarize it quickly.

Like others, we were really excited that the Governor put a gas ban in her Executive Budget, only to then be extraordinarily disappointed that the timeline is way, way, way too far out. We can't wait five years to put a ban on gas and other fossil fuels in new buildings. As Bill just pointed out, it's unconscionable to build any buildings reliant on fossil fuels right now. And there's no technical reason. This isn't really even a cost argument; there's no cost reason to wait till 2027.

There is, perhaps, a political will
issue here. Either we have the political will to stand up to the oil and gas industry and the real estate industry, or we don't. There is no policy reason to wait five years. We shouldn't do it, and I urge the Legislature to adopt the timeline on the Kavanagh/Gallagher All-Electric Buildings Act, which sets the ban starting the final day of 2023.

And I'll just say, you know, there are always voices -- there are always reactionary voices telling us to go slower. I've been to a million of these hearings. They're there always. There's always those folks saying, Let's not go too fast, it might cost a little bit of money, don't do it.

And for those of us that really are concerned with the climate crisis, I think we ought to start asking ourselves, When is the last time they were right? Like what is the last action this body or any legislature has done that was too fast, where we look back and say, You know what, we were wrong, we should have slowed down a little bit on that
provision that moved us off fossil fuels. It has not happened. The reverse has happened all the time, every year, year in, year out.

So just to say those reactionary voices are wrong. They always have been wrong. They'll be wrong in February of 2023 when we have this same hearing.

And finally I want to close -- you know, we're at Food & Water Watch strong supporters of the Build Public Renewables Act also. Assemblyman Carroll's bill is needed. We are not going to hit our renewable goals if we leave this up to the magic of the market. It's clear as day.

What's also clear as day after this morning's exchange between multiple legislators and the administration is we're probably not on the verge of convincing them. Right? So we are going to need leadership from the Legislature to get this passed. I urge you to put it in both one-house budgets. It's very clear it's going to take real leadership on this side. And, you know, I'm hopeful that in a post-Cuomo world that will
be easier and we'll have a more independent Legislature. You should push back and put that in both one-house budgets.

And thanks so much for the time to speak.

CHAIRWOMAN KRUEGER: Thank you.

And PULP? Are you here, Richard Berkley?

MR. BERKLEY: And I will begin by unmuting myself.

Thank you, Senator Krueger --

CHAIRWOMAN KRUEGER: Thank you.

MR. BERKLEY: -- and thank you, Assemblymember Weinstein, and all of the members that are here today.

I'm the executive director of the Public Utility Law Project of New York. We represent the interests of New York's low- and fixed-income consumers. And I want to talk to you about the most difficult crisis facing low- and middle- and low- and fixed-income consumers right now.

There are more than 1.3 million households, almost 4 million New Yorkers, who
are behind more than 60 days on their energy utility bills, for a total of more than $1.7 billion. There is no prospect that they will be able to pay those bills without use of some of the American Rescue Plan monies. We have contacted the Governor and spoken to her energy team and have asked the Governor to put in her budget $1.2 billion from the ARP money to buy down the arrears, which have increased by more than $1.25 billion since February of 2020.

As you have seen in the budget, although we still have hope for the 30-day amendments, the Governor has not responded. We therefore respectfully request that the Legislature put $1.25 billion from ARP funds into its one-house bills to deal with the arrears of all of your constituents.

The second thing is that we have also asked for $200 million in tax credits. The simple fact of the matter is that the state only collects information on collections and arrears from energy utilities. And that is why we're asking for cash in the budget only
for those utilities.

However, we know that there are hundreds of millions of dollars of arrears in the water industry, and there are some unknown amount of arrears in telecom, telephone and internet. Therefore we ask for tax credits upon those entities showing proof of the arrears of their consumers and showing that they have forgiven, dollar for dollar, the debts of those consumers. We believe that tax credits should be awarded to those companies to incentivize them to do this.

There are a number of other things that are necessary to deal with this arrears crisis, but I tell you, the more than 100,000 families on Long Island, the more than 600,000 families in New York City, the more than 600,000 or 700,000 families around the rest of the state need your help, and they need it now. We were almost $700 million in arrears before the pandemic because the low-income program that you heard Chair Christian discuss earlier was insufficient and was not sufficiently
reformed to meet the needs of New Yorkers.

If we allow this arrears to be an anchor around the neck of all these New Yorkers, it will drown their communities in debt for at least the next decade. It took more than 10 years to recover from the Great Recession, and the amount of utility arrears, the job losses -- as we all know -- are far worse now than they were during the Great Recession.

COVID also showed us the vital need for broadband, and we'll be working on that with you this year too.

And I thank you for the time to come before you today and talk about the arrears crisis, because it is a defining moment, and I ask the Legislature to lead as effectively as it did for tenants. Thank you.
pushing for New York to move to a renewable economy -- and despite the 2014 decision to ban fracking and many hard-fought battles by local communities to halt fracked gas infrastructure -- the construction of fracked-gas infrastructure has far outpaced the adoption of renewable solutions. The development of solar energy has really crawled along and has mostly benefited corporate giants like Goldman Sachs rather than local economies, thanks to Governor Cuomo's market-based approach to building out renewable infrastructure.

We've heard a lot today from NYSERDA that the same magical market mechanism is still being pursued, which won't allow for a transition of justice if we prioritize shareholders over New Yorkers, while many legislators voice concern about their constituents in NYSERDA's designated disadvantaged communities.

If we mandate that NYPA retrofits all public buildings, that would fill a hole that the private sector won't prioritize. And
that would reflect in the societal benefits
such as healthy, safe and happy neighbors.

We are encouraged that Governor
Hochul's budget includes aspects of the
Renewable Heat Now legislative package,
including changes to our building codes,
public service law, ban on fossil fuels in
new construction, and incentives for
geothermal. But overall, her budget fails to
meet the dire climate moment we find
ourselves in. And it falls short of meeting
the goals of the CLCPA. And it does not
measure up to the emphasis she placed on
addressing the climate emergency in her State
of the State.

The science is clear: We must act
now, and with urgency, to avoid climate
catastrophe. This is why we're asking for
the State Legislature to include the Build
Public Renewables Act, the All-Electric
Buildings Act, and all other parts of the
Renewable Heat Now bill package in the
one-house budget.

Banning fossil fuels in new
construction beginning in 2024 and allowing
NYPA to build renewable energy at the scale
the climate crisis demands will create tens
of thousands of good-paying union jobs.

We have submitted more detailed
written comments. We really need the
Legislature to really step up here.

You know, Sane Energy was an
intervenor in the National Grid downstate
rate hike cases from 2019 to 2021, and
through this proceeding we assessed that the
corporate giant aims to expand and extend the
life of fracked gas and ignore state climate
and environmental justice law. And instead
of holding National Grid accountable to the
New York State law, the Department of
Public Service argued that the law didn't
apply to rate cases.

So local residents who got involved in
the proceeding were floored that the company
and the state agency could just blatantly
ignore public comment and the law, causing
them to feel angry and powerless.

So we just really need you to take
action with us, and we're here to work
together as a team.

Thank you so much.

CHAIRWOMAN KRUEGER: Thank you all.

And now we're going to take people --
the Senate, and then I'm going to call the
Assemblymembers after, because I think I'm
playing both roles at the moment.

So Todd Kaminsky.

SENATOR KAMINSKY: Thank you, Chair.

I have a very quick question for
Mr. Berkley. Good to see you, Mr. Berkley.

Can you just quickly tell us what LIPA
should be doing better? I mean that in every
aspect you wish to address it in. What
should we be doing to hold LIPA accountable,
and what should it be doing better?

MR. BERKLEY: Thank you, Senator. A
pleasure to see you, too.

Well, honestly, LIPA should be doing
everything better. But let me give you a
little more detail than that.

It needs to be more accessible to the
public. As you know, at every major storm
LIPA has been downgraded on its lack of ability to communicate to the public. It needs to work harder to do that.

Number two, LIPA is apparently unable to run its computer system properly. And as you know, it had to be back out of its upgraded outage management system during the storm because it didn't work and they had not tested it, and they apparently -- there's no way to determine whether or not they run the appropriate scenarios for those problems.

It needs to also work better on lowering the cost of energy on Long Island. That's difficult. It needs to be involved more in promoting renewable energy on Long Island and following what I like to say is PULP's mantra, which is "more green for less green."

I think LIPA has come a long way, but I think it needs more community control than it has right now. And it needs to get rid of PSEG at some point in the future. I know that they say that they're doing better, but I don't believe that we've seen a private
company come in to run LIPA, at least since Sandy -- or even before Sandy, all the way back to the end of Shoreham -- that has run the system properly.

Thank you.

SENATOR KAMINSKY: Thank you. And thanks for your work on behalf of hardworking Long Island ratepayers. Appreciate it.

Thank you, Chairwoman.

CHAIRWOMAN KRUEGER: Thank you, Senator.

Assembly.

CHAIRWOMAN WEINSTEIN: We'll go first to Assemblyman Mandam -- Mamdani, and then Kelles and Carroll.

ASSEMBLYMAN MAMDANI: Thank you, Chair Weinstein. I promise it gets easier with time.

I wanted to thank everyone on the panel for coming and giving testimony. I have three questions that I wanted to pose. I will just go through each of them right now.

For Alex, from Food & Water Watch, I
wanted to know if you could answer, are you worried about the potential of the state weakening New York City's gas ban if we pass something at the state level that moves slower than what the Council has already passed?

For Richard Berkley at PULP, you know, New York State received much higher than expected tax revenue and a significant amount of federal pandemic aid, yet amidst this economic outlook there are cuts to our climate projects and policies as proposed by the Governor this year in her budget, including for your organization. How will the proposed $1 million cut to the Public Utility Law Project of New York affect your work? What will the impact be?

And then for Kim from Sane Energy Project, how has your work with local communities and New York City shown why we need immediate inclusion of the Build Public Renewables Act and the All-Electric Building Act in the budget?

MR. BEAUCHAMP: Sure, so on the gas
ban question, I am worried about it is the short answer.

I mean, look, the state can and should go faster than what the city did. Right? So if we pass the Gallagher/Kavanagh bill, that's the end of 2023, that is more aggressive than New York City. That is what the state should do.

That said, if we fail in that somehow, you know, there is a long -- and particularly on environmental issues -- a long, sordid history of this state preempting local laws or weakening local laws, everything from plastic bags to -- you could go through one example after another. That must not happen here. So if it is slower, we ought to include language in whatever final negotiation that allows cities and municipalities that want to move faster to do so.

All of that said, if we get the timeline right, none of that matters.

ASSEMBLYMAN MAMDANI: Thank you.

MR. BERKLEY: Thank you for the
question, Assemblymember Mamdani.

So the Governors never put funding in for PULP. And occasionally when the Legislature puts it in, as I thank the Legislature for 40 years of supporting our organization that works on behalf of your constituents, occasionally Governors take our money out of the budget after the Legislature has put it in if they disagree with us.

But quite frankly, if we were to receive no funding from the state for the next fiscal year, the 1.3 million households who are in danger and teed up for shutoffs beginning in late May or early June will have no organization with legal service attorneys that is able to assist them on the basis of expertise like we have.

We train all over the state. But when I say that in a good year we train a couple of hundred attorneys, we are irreplaceable to assist your constituents, as much as we want to train every attorney in the state and every not-for-profit group to help out low- and fixed-income New Yorkers.
Thank you, Assemblyman.

ASSEMBLYMAN MAMDANI: Thank you, Richard.

MS. FRACZEK: And can I answer? I know that the time ran out.

But just to respond to the question about the Build Public Renewables Act, I mean, we noted -- you know, we logged, we got several dozen people involved in the National Grid downstate rate case here at the Public Service Commission, and it was astounding to local residents who had never even heard of this process before to see basically like how the sausage is made. And they were shocked that big, shareholder-based corporations were making decisions for their future and their health and safety and our climate, ignoring public comment. And people are all of a sudden like, What happens if we just own our power?

And I -- the New York Build Public Renewables Act I think is a slow and steady way to start moving us toward a different economic model. Because it's clear that this
economic model is not serving the --

CHAIRWOMAN WEINSTEIN: Thank you. The
time has expired.

MS. FRACZEK: Okay.

CHAIRWOMAN WEINSTEIN: Senator

Senator Krueger, do you have any more Senators?

CHAIRWOMAN KRUEGER: No, actually. So

I'm just going to let you roll with the

Assemblymembers.

CHAIRWOMAN WEINSTEIN: Okay. We have

quite a few, but everybody is going to be

very good and stick to the three-minute time

limit.

So next we have Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, my first

question for Mr. Nowak, with the geothermal

energy, I wanted to ask a question about

air-source heat pumps.

I know a number of people, they might

install an air-source heat pump because of

cost or they might not have the space for an

outdoor collector system. With that, along

comes with that is that sometimes they

would -- you know, because they're not as
efficient in colder temperatures, which we've
been talking about, as I understand it. So,
you know, temperature lower than 4 degrees,
it's my understanding some air-source heat
pumps have an automatic backup switch, so
that would be like for a conventional power
supply, like natural gas or something like
that.

How do you reconcile that with the
CLCPA when you're talking about air-source
heat pumps?

MR. NOWAK: Sure. And to be clear,
I'm with the geothermal heat pump
organization.

But with air source, some people leave
a gas or a wood-burning system as
supplemental, and that's not ideal. You also
could have an electric resistance heater
that's included within the air-source system,
and that, you know, could get you through the
cold spell.

We advocate for geothermal because the
systems are going to get very inefficient
when they go to that, when they go to
electric resistance, so it really reduces the return you get on the amount of electricity you put in.

So, you know, to us it's important that there be a really good percentage of geothermal heat pumps installed as part of moving forward. We need both --

ASSEMBLYMAN PALMESANO: What would be the cost of a geothermal heat pump? What's the cost of a geothermal heat pump?

MR. NOWAK: It varies. I would say for a typical house, similar to the solar system we installed here, which was $27,000 and wound up -- with the various incentives, it wound up saving us money from day one.

A geothermal system on a typical house might be --

ASSEMBLYMAN PALMESANO: How many families do you think could afford $27,000 or even $20,000 or $15,000?

MR. NOWAK: Sir, I'm not sure you heard me. With the incentives, we were saving from day one. There were incentives that covered much of the cost, and the rest
of it went to on-bill financing. We pay less.

So any family, if the situation was similar to ours, it would work fine for that.

ASSEMBLYMAN PALMESANO: Okay. But you saw that up-front cost. Okay, thank you for your time.

My next question is for Kim. I know you're for full electrification, you're advocating for that. With the costs that have been estimated, even the CAC estimated $20,000 to $50,000 in their report. The Consumer Energy Alliance has estimated $35,000, you know, which we talked about -- heat pumps, all the insulation, the whole upgrade of the system.

How can a family afford that when you're talking about $35,000 per family, how -- it doesn't seem like anyone's addressing that with the CAC. What do you recommend to address those issues? Because that's just -- that's a lot of money.

MS. FRACZEK: Yeah. I mean, there's legislation on the table right now that NYGEO
is working towards for making the geothermal incentivized. Right now our economy is so tilted to incentivize fossil fuels from being cheap and easy. But in fact like -- I grew up in fracking country in Pennsylvania, so I know that this stuff is very expensive to operate, but the economy is slanted in --

CHAIRWOMAN WEINSTEIN: Thanks. Thank you. I just want to -- I just really want to remind colleagues that you can't ask a question as the clock runs down to zero and expect an answer.

But if questions go unanswered, please send the answers to the Assembly chair of WAM email and the Senate Finance email, and we will distribute that to all members.

Our next member to ask questions, Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Hey, everyone.

Thank you so much for being here.

I have questions for three people, so I'm just going to put it out there and if you could all answer in the allotted period.

My first is for Bill Nowak. My
understanding is that the solar -- the incentives immediately cover up-front costs, so opposite of what my previous colleague said. Can you clarify that?

Second is what is in the budget for removal of the hundred-foot and allowing for geothermal sufficient? So that's for Bill.

For Richard, just a quick question.

With the removal of the --

CHAIRWOMAN WEINSTEIN: Can the clock start working? Excuse me, Assemblymember, somebody is on your -- the timekeeper is on your side. Can we start the timeclock?

Thank you.

ASSEMBLYWOMAN KELLES: For Richard, I would love to know if given the moratorium ended on the shutoffs for utilities, what you expect the impact would be and whether or not the programs we already have in place are sufficient or where we will expect to see some major negative consequences.

And third, for Alex Beauchamp, if you could just talk briefly about what the costs of not going fast enough would be. I loved
your comments. But not doing it in 2024, what would be the infrastructure that would be built, the impact on people, EJ communities? If you could just talk about the impact of not doing it, that would be great.

So start with Bill.

MR. NOWAK: Okay. So in response, yeah, I'm glad you wanted to clarify that, because what we're paying on our solar system right now is less from day one, including the up-front costs. And the same thing could be true with the geothermal system that had the right incentives in place that I outlined and that took into account the storage benefit that geothermal systems provide.

Regarding the hundred-foot rule, we were really glad to see in the Governor's budget that they're looking to do away with that. I think it's going to be a process that is going to involve some negotiation. I know the Legislature will be coming out with something shortly similar to that, and I think some good negotiations between those
two bills will provide what we need. But it's just not fair at this point that gas systems are being subsidized for those up-front costs but homeowners have to pay the costs of the piping for a geothermal system.

ASSEMBLYWOMAN KELLES: Thank you so much.

Richard?

MR. BERKLEY: Thank you for question, Assemblymember.

So the short answer is that our state's programs are insufficient to deal with the problem of arrears. For example, only 34 households out of more than 77,000 that have applied for utility arrears money in the ERAP program have received anything. It's only a couple of thousand bucks. As you know, OTDA has had a lot of problems with that.

The water arrears money that came from the feds also may -- is only $60 million. New York City alone has a $600 million residential water arrears.
I can keep going, but -- we are working with the PSC to try and create new programs, but we need the assistance of the Legislature. We should not have a situation where existing consumer protection law, which will allow you to get a deferred payment agreement that can last a hundred years -- we shouldn't be in a position where we're creating generational debt for your constituents. We need to deal with it now in the budget.

Thank you.

ASSEMBLYWOMAN KELLES: Thank you.

Thank you so much.

And Alex Beauchamp?

MR. BEAUCHAMP: Yeah. I mean, I could go on forever, but since there's a time limit, it's worth noting the Climate Action Council looked at that cost question and saw that -- or calculated that the cost of not acting is $80 billion more than aggressive action to move off fossil fuels. That's before you even look at the vast benefits you get from acting swiftly and urgently on
climate.

And of course that's dollars, right?

The human cost is almost incalcucable --
incalculable. And maybe with that horrible
pronunciation the time ran out.

(Laughter.)

ASSEMBLYWOMAN KELLES: Thank you so
much.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Assemblyman Carroll.

ASSEMBLYMAN CARROLL: Thank you,
Chair Weinstein.

And thank you so much to all the
advocates here today for your tireless
support of not just public power and
ratepayers, but for our environment. And
none of what we've been able to accomplish
these last number of years would have
happened without all of you, so thank you.

My question is, you know, we just
heard from NYSERDA and the PSC that the
private sector is on the precipice of solving
the needs of renewable energy, that we have
so much in the pipeline that we are going to
meet our goals and possibly exceed them.

Now, I feel like that seems a little bit unlikely. But what are you all seeing out there? Are we actually on that precipice of building the amount of renewable energy we need to meet the goals of the CLCPA? Or have we just had a few large ribbon-cuttings of some wind farms on Long Island? And we have interconnectivity issues upstate, we've got a lack of siting of, you know, solar and wind projects to create the kind of diversity and connectivity and distribution needed. We have a lack of -- battery shortage, and that is why the bill that I carry, the Build Public Renewables, is so important, so that we actually use the heft of the state government to make sure that we meet these goals.

So, I mean, is there anything that NYSERDA and the PSC were saying earlier is true? Or are these just large ribbon-cuttings that look good in press releases?

MR. BERKLEY: A quick answer,
Assemblyman, for the low-income and fixed-income community: No private developer is interested in building renewables for those groups, plain and simple, period.

ASSEMBLYMAN CARROLL: Thank you, Rich.

MR. MADDEN: Yeah, I think there's also some really important notions around community benefits and, you know, prevailing wage and union standards and stuff. Like no private developer is going to do something on their own accord. Like they always have to be dragged across to ensure good community benefits, provide ownership stake in anything.

So just the idea -- I mean, this is a fundamental like ideological divide in kind of -- in like the status quo. Like the same people who have gotten us into this mess are going to now reap the benefits of this transition. I mean, BP is one of the stakeholders in an offshore wind farm. It's ludicrous. Like we need a different economic paradigm, and expanding NYPA is one of the ways to do that.
ASSEMBLYMAN CARROLL: So in essence, Ryan, Rich, you're basically saying, look, at best, you know, we're going to have an environmental justice catastrophe. Maybe we'll find some renewable power for wealthy folks downstate, but for poor folks throughout the state, you know, it's business as usual -- unless we do something transformational like build public renewables.

MR. MADDEN: I would agree with that.

MR. BERKLEY: I would too.

ASSEMBLYMAN CARROLL: Thank you so much.

CHAIRWOMAN WEINSTEIN: Thank you. We move on to Assemblyman Manktelow.

ASSEMBLYMAN MANKTELOW: Thank you, Madam Chair.

I have a question for Alex, please. Can you hear me, Alex?

MR. BEAUCHAMP: Yeah, I can, go ahead.

ASSEMBLYMAN MANKTELOW: As you were saying in your testimony -- I read it -- it says "This legislation will require new
buildings to install heat pumps that run on electricity, in place of gas boilers and furnaces, to heat, cool and provide hot water by the end of 2023."

My question I guess is off in our rural areas, where we don't have the infrastructure, we don't have the electricity to do that -- and one of the things that we're pushing in our rural areas is helping individuals with mental illnesses through transitional homes, helping them get restarted, we're working on homes for our homeless.

So in this situation, what do we do? Do we not build those facilities for those individuals because we don't have enough electricity, or do we move forward with what we have and get them started and get them into homes and then down the road change it back the other way?

MR. BEAUCHAMP: Yeah, I mean, I obviously can't speak to the individual projects.

I guess what I would say is that, you
know, we've been pretty proud of the coalition fighting for this bill, and proud especially that a lot of groups fighting really hard for development of low-income housing, affordable housing, have been a big part of the campaign and don't see a gas ban as a barrier to the construction of affordable housing at all.

I mean, the reality is that the cost picture is just not near what it was five or 10 years ago. We can do this now. The question is whether we're going to commit to do it or not. But there's nothing all that special about any given building, right? We have the ability to do this; we should just do it.

ASSEMBLYMAN MANKTELOW: We're looking at new construction, I know there's a project going on right now. But -- and I know that it's going to have gas in it. But if this was in place right now, that project wouldn't move forward and those individuals would not be in that house within a few months.

So in that situation, you know,
what -- what do you do? Do you --

MR. BEAUCHAMP: Oh, I see. Yeah.

Well, not really, right? So we're talking
about the permit level. So if --

ASSEMBLYMAN MANKTELOW: Oh, so this is
only for permanent individuals?

MR. BEAUCHAMP: Yeah, yeah -- well,
no, no, no, we're talking at the permit
level. Right? So it's the moment that a
building goes in and tries to get the permit
to build.

So if you have that and we're like
breaking ground tomorrow -- or January 1,
2024, in this instance -- it doesn't affect
that. Right? You were talking about -- so
that's the thing. There's already a long
timeline, right? And no need to wait until
2027 to have newly permitted buildings make
this transition. We ought to go much faster.

The example you're talking about I
believe would not be covered under the
legislation we're talking about in the first
place.

ASSEMBLYMAN MANKTELOW: Okay. All
right. Well, that's good to know. I appreciate your input.

And Madam Chair, thank you for the question.

CHAIRWOMAN WEINSTEIN: Can we go to Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you. Thank you, Chairs, and thank you, panelists.

I completely agree with Assemblymember Carroll's observation that without your advocacy, we would not be where we are having made the strides that we have made -- but also need to do much more.

A question for Mr. Nowak. I too am concerned about up-front costs for geothermal and, for that matter, any energy efficiency measures. Are there financing arrangements under which the savings on utility bills would more than cover the installment payments for the geothermal upgrades? I know that NYSERDA in the past has provided financing and incentives like that.

And a question for Ms. Fraczek, and apologies if I mispronounced your name. I
share Assemblymember Carroll's view that we're not doing enough. That's one of the reasons that I'm cosponsor of his two bills. But during our discussion with NYSERDA, President Harris emphasized both the private and public investment to be able to reach those goals. A similar question, do you advocate investment in all-electric affordable housing? Do you see savings in utility bills helping to finance any part of that?

So those are my two questions.

MR. NOWAK: I'm sorry, I believe the first question was for me. Were both of them for me?

ASSEMBLYMAN BURDICK: No. The first one is for you, dealing with financing arrangements. Are they available for geothermal? Can the savings on the utilities help to cover installment costs on the financing?

MR. NOWAK: Well, yes, there definitely is some financing available through NYSERDA at this point relative to
on-bill financing and so forth. And certainly the savings, you know, should be part of that.

One of the things that folks really don't realize, you know, we're spending a lot of money in this state on storage, storage for electricity. Geothermal provides storage for heating, which means we're going to need to produce less electricity on the coldest days of the year -- and the hottest days of the year, for that matter, to cool. So there really --

ASSEMBLYMAN BURDICK: I'm sorry, if I could now switch over to Ms. Fraczek so that she can answer that.

MS. FRACZEK: Your voice kind of went out. I wasn't -- I couldn't quite hear like half of --

ASSEMBLYMAN BURDICK: The question was whether savings on investment in all-electric can help to finance the capital costs. similar question.

MS. FRACZEK: Well, I think -- yeah. I mean, I think that it can't just be like
switch over to electric and Voilà, we have something. We have to actually like change like all of our codes -- how everything is incentivized. And there's actual legislation out there that we all need you to like really push in the Renewable Heat Now bill package.

So, you know, I mean it's not -- it's not just like we just want one thing and we expect that it's going to solve every problem. But we need those support bills in order to make electricity affordable and serve all New Yorkers so they can be happy, healthy and clean.

ASSEMBLYMAN BURDICK: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Let's see. Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you.

Thank you so much.

Mr. Nowak, my questions are for you, because I'm a huge fan of geothermal. And so my question for you is -- and you may have answered the first part of this earlier, and if so, I apologize for having missed it. What is the -- what is the average cost of a
retrofit for, say, a 1500-square-foot house?

    MR. NOWAK: Yeah, I think it is
similar to what we had for the solar
installation here, which was around $30,000
raw cost. And then when you get into the
incentives, that took it down, you know, in
the neighborhood of $10,000, which was paid
off on a 15-year loan.

    So I think those similar kind of costs
can apply for geothermal. I've heard
anywhere from 25 to --

    ASSEMBLYWOMAN WOERNER: Okay, so
around 30. And the budget includes
25 percent credit, is that the incentive?

    MR. NOWAK: It does not. The
Governor's budget did not include that. This
is a bill that Senator Kennedy and
Assemblymember Rivera have put forward. It
is one that the Legislature has passed in the
past, and we're hoping that you will include
it in the one-house budgets and negotiate for
it to be in the final budget.

    ASSEMBLYWOMAN WOERNER: Okay, so a
25 percent credit would only take this down
by $7500, so that brings us to 23 -- 22.5, if my math is correct.

MR. NOWAK: Yup.

ASSEMBLYWOMAN WOERNER: Is that a -- how many installations do we have across the state of geothermal today? And would a -- would a market price of 22.5 be sufficient to accelerate the adoption of this technology?

You know, it's been a long time since I bought a furnace, so I don't know what the market rate is, but I think key to success here -- and some of my colleagues have pointed this out -- the key to success here is going to be getting to a price point that doesn't offer an advantage to stay on your fossil-based fuel system.

MR. NOWAK: Exactly. And that's part of why we're putting this forward.

But in addition to the state tax credit, as I mentioned, there is a federal tax credit, and there are state rebates. What we're asking for is a state tax credit and a sales tax exemption that are going to bring that cost down, in addition to those
measures. Which is what we already have for
solar and which would work great in the
geothermal sphere.

ASSEMBLYWOMAN WOERNER: And are there,
in your experience -- so I am curious how
many statewide do we have already. But in
your experience, are there any
restrictions -- or constraints, I should
say -- in terms of types of neighborhoods,
types of communities, types of buildings
where geothermal is not -- is not an option?

MR. NOWAK: I don't think you can say
that in terms of a whole neighborhood. In
urban areas, there are permitting questions
and into the amount of space you would have
to drill -- but at this point we've got it
down to where a six-inch bore hole is all you
need to provide for a geothermal system.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYWOMAN WOERNER: Thank you so
much.

MR. NOWAK: Generally I would say no,
there are parts of -- I'm sorry, go ahead.

CHAIRWOMAN WEINSTEIN: Thank you.
We'll move on to Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: Thank you, Chair. And thank you all for sticking it out for this long day.

Just to Richard Berkley, just on the consequences of, you know, these utility shutoffs. You know, you said 77,000 people applied, 32,000 got some support. What are we looking at, and what's the risk to New Yorkers at this point? And I know we don't have a lot of time, so if you could be quick, I appreciate it.

MR. BERKLEY: Thank you, Assemblymember.

And that's 32 households, not 32,000.

ASSEMBLYMAN EPSTEIN: Oh, wow, thank you.

MR. BERKLEY: It's a teensy-weensy bit.

As you know, OTDA screwed this up horribly. And I know the Legislature is concerned. So the consequences are that you will have households that either need to declare bankruptcy to get out from under the
utility bills, in which case the utilities
will socialize that cost to all the other
ratepayers.

So small businesses, that I know every
member is concerned about, will get a huge
increase in their rates, and so will
residential customers. And in New York City,
where Con Edison is looking for rate increase
now that is three times the size of their
last increase, we think that that is going to
be death to businesses.

ASSEMBLYMAN EPSTEIN: Thank you. I
appreciate that.

And maybe just to some of the other
panelists, I really want to see what you felt
about what PSC, Public Service Commission
did. NYERDA is saying about electrifying
the grid and getting charging infrastructure
in place -- I guess my concerns are I don't
think they're doing enough. I mean, for
someone who tries to -- who lives near a city
who tries to figure out where I can plug in
my car, it's not easy. It's impossible. And
all the apps don't help. You know, it's
not -- and I'm wondering if you feel like
they're going down the right path or do we
need to do a course correct at this point.

MR. BERKLEY: If I can answer briefly,
I think that you were right earlier when you
said that people need to be able to find out
how much it will cost at each of the electric
charging stations.

I'm aware that some of your colleagues
in the Legislature are thinking about
legislation in that area to create something
like a Schumer box for the costs at all the
charging stations, and so I think that's
something of value.

I don't believe that we're moving
quickly enough on electric charging stations.
But quite honestly, right now the state is
not paying for those, the ratepayers are
paying for them. And I think that the state
needs to work with the transportation
industry to get them to pay for things for
their own business plans. Energy ratepayers
pay for too much, and they're not an endless
piggy bank.
But the things that we need -- and as I always say, build more green for less green. The things that we need to achieve, our decarbonization goal, ratepayers will pay for. But they shouldn't be subsidizing third-party industries.

ASSEMBLYMAN EPSTEIN: Great. And I just have 20 seconds, if anyone else wants to respond to that. Otherwise I'll just give back my time.

CHAIRWOMAN WEINSTEIN: Wow, 11. Okay. We move on to our next member, Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you all for your good advocacy and your good work. And we all have a big challenge in front of us, a lot of moving parts.

Earlier this morning there were a number of comments from a few of us posing questions about proof-of-work cryptocurrency mining, which many of us see as a major threat to all the other kinds of initiatives we're trying to deliver on in terms of climate change.
In the limited time we have here, if as many of you want to just weigh in and speak to your view of the magnitude of this particular energy-using activity.

MR. BEAUCHAMP: Yeah, I mean the magnitude of the problem is enormous, as you allude to, and it's multifaceted in the sense that we need action from both the Legislature and the Governor.

So, you know, starting with the Greenidge Plant, there's action this administration can take to shut down some polluting facilities that are solely used to power proof-of-work cryptocurrency mining. She should do that, the administration should shut that down.

But that's not enough, right, because we know there are power plants sitting dormant all over the state that the industry can target, and that's the rationale to pass a moratorium bill.

At Food & Water Watch we're strongly supportive of that bill, Anna Kelles's moratorium on proof-of-work cryptocurrency
mining, which we need desperately just from an emissions perspective. But also it's just good common sense. It's frankly how we ended up stopping fracking in New York, right? We took a pause, there was a moratorium, there was an extraordinarily lengthy generic Environmental Impact Statement.

This is like that, right? This is a brand-new technology the state hadn't had before. We should take a similar approach -- and instead, we've just allowed them to move ahead so far. We need a moratorium, and we need the administration to stop the stuff that's already happening. But I'll pause here because I know others will have thoughts.

ASSEMBLYMAN OTIS: A minute-six left.

Go.

MS. FRACZEK: Yeah, Sane Energy Project is also in support of this legislation from Assemblymember Kelles.

And, you know, we're -- it's almost like we've been playing whack-a-mole for so long with fossil fuel projects. And we have
said no to fracking in New York, so why is my family getting fracked in Pennsylvania in order for the fracking industry to keep finding loopholes in New York State to keep up these shenanigans? Like, we should be saying no to fossil fuels. I mean, the planet is actually dying. And, you know, this -- it's like we can't be sitting around and thinking about how we can like build new markets around fossil fuels anymore.

MR. MADDEN: I would just add Long Island Progressive Coalition also supports the moratorium.

And, you know, we're talking about, like, transition for some of these places. They should -- you know, the first thing for peaker plants is looking at battery storage or renewable energy development, the idea that we're going to use precious electrons to like mine what is probably going to be the next huge bubble that causes an economic demise. Like it just feels like a silly gamble.

CHAIRWOMAN WEINSTEIN: Thank you.
I'm going to turn it back to the Senate, since this is the end of Part 1 of our hearing. And Senator Krueger will be leading us through the longer Part 2 of our hearing.

CHAIRWOMAN KRUEGER: I just wanted to thank our panelists for being with us today. I'm sorry, Assemblywoman, you have another Assemblymember trying to speak.

Keith Brown, I believe.

Were you trying to speak?

ASSEMBLYMAN BROWN: Yeah.

CHAIRWOMAN WEINSTEIN: Oh, I'm sorry.

ASSEMBLYMAN BROWN: I'm sorry, Chair, I wanted to get some questions in there.

CHAIRWOMAN WEINSTEIN: Yes, I guess I saw your hand was up and then down. So go ahead.

ASSEMBLYMAN BROWN: Thank you.

The question is for any of the panelists. Going back to my question I asked earlier with regard to LIPA and municipalization of it, how do we deal with the LIPA debt from the Shoreham Power Plant,
in your opinion?

MS. FRACZEK: Ryan, do you want to take that?

MR. MADDEN: Sure. I apologize, because I don't -- there's no easy answer, right?

I think that's part of what is really great about -- and I believe you're already a cosponsor of, Assemblyman -- the LIPA commission bill. There needs to be a kind of dedicated restructuring of LIPA and a commitment to, one, ending the public-private partnership, committing to a true public power model, and then looking at other, you know, reforms around the democratic management and governance of it, stakeholder engagement, et cetera.

And I think one of the things about indebtedness is part of the purview of that commission. Like I think -- to my mind, there hasn't been a concerted, thoughtful, like grappling with that in a real way in a long time. And like I don't have anything else other than to suggest that this process
could be a good means to discuss that
because, yes, it's complicated and has like
eluded a clean answer for decades.

And so I welcome more thoughts about
that in the interim, but I think that only
stresses the urgency of this commission bill
and the process it will unfold with
stakeholder engagement to grapple with such
tough questions.

ASSEMBLYMAN BROWN: I agree. And I
opened it up because I -- you know, I've
spoken to Assemblyman Thiele about it,
because it is my primary concern.

So Mr. Berkley, any thoughts?

MR. BERKLEY: Yes, thank you,
Assemblymember.

LIPA is in the best place of any of
the energy utilities to be municipalized,
because it owns its own plant. And that's
the largest cost of going municipal.

The intractable problem that the
island and that LIPA face is that debt. And
the only thing that you can do for now is to
continue to work to refinance that debt as
cheaply as possible.

And then the other thing is to not allow the authority to continue refinancing that debt in perpetuity. Robert Moses taught us that a public authority can be eternal if you only allow it to refinance as much as it wants. That's not the right way forward for Long Island unless there are significant changes with the structure of LIPA.

ASSEMBLYMAN BROWN: Thank you.

Real quick, is there any alternative energy technology that New York is not looking at that they should be looking at? This is for any of the panelists.

MR. BERKLEY: I'll jump in on that one. There are two things that New York is not -- well, three things that New York is not doing that it should consider.

First is tidal power, like they do in North Scotland. Second is run-of-river hydro. There's a lot of -- almost 2 gigawatts of untapped hydro that could be tapped by run-of-river. Those are -- well, those are the two big ones, really.
I think pumped storage is something that's a dirty word in the environmental community, but that's one of those things that unless batteries work better, we might end up going back to that and looking for a place we can do that without environmental damage to the state.

CHAIRWOMAN KRUEGER: Okay, I am going to thank --

ASSEMBLYMAN BROWN: Anyone else?

CHAIRWOMAN WEINSTEIN: No, that's it for this panel.

CHAIRWOMAN KRUEGER: Time's up.

ASSEMBLYMAN BROWN: Oh, I can't see my clock. Thank you, Chairs, appreciate it.

CHAIRWOMAN KRUEGER: All right, now I'm going to thank the panelists for participating with us today. And I am going to close down Part 1 of our two-part hearing.

So those of you who are thinking, gee, this is running a long time, we're just beginning, because we're going to call up our Department of Environmental Conservation, Basil Seggos, commissioner, and we're going
to give him 10 minutes to testify. And then people can get back in line with their hands up again. We will take chairs and rankers on Environmental Conservation first, and then, again, chairs go to 10 minutes, rankers, five minutes, everyone else, three minutes. We're back in our traditional model for a budget hearing. And then after Commissioner Seggos we then will have Parks Commissioner Erik Kulleseid, we will then have Agriculture Commissioner Richard Ball, just for lining people up. But we will do questions in between each of them. And we're only an hour and a half later than scheduled, so for budget hearing time, that's not bad at all. So I'm now going to invite Commissioner Basil Seggos. Are you here, Basil?

COMMISSIONER SEGGOS: I'm here, Senator.

CHAIRWOMAN KRUEGER: Oh, excellent. Thank you. Thank you for waiting for us to
get to you. And we all have your testimony,
but please summarize your key points in
10 minutes or less.

COMMISSIONER SEGGOS: Will do. Thank
you, Senator.

Chair Krueger, of course Chair
Weinstein, and members of the committees,
it's fantastic to be with you now for my
seventh budget hearing. And this year at
least, batting second in the order is a nice
thing.

On behalf of DEC's 3,000 employees,
thank you for the opportunity to discuss
Governor Hochul's environmental priorities
for the coming fiscal year. I'm joined also
by Jeff Stefanko, as usual, our deputy
commissioner for administration, and
Jesh Patel, our acting director of
legislative affairs. And I will summarize my
points.

The Governor's budget proposes a
historic investment in environmental
protection, including raising the EPF to
$400 million, its highest level ever;
providing an additional 500 million for critical water infrastructure around the state, bringing the total there to 4.5 billion; increasing the Clean Water, Clean Air and Green Jobs Environmental Bond Act -- which will go before the voters, of course, in November -- to 4 billion. And all told, these proposals and more amount to the largest commitment to the environment in New York State history.

This commitment will enhance conservation, of course, and also improve the health and welfare of the state and create jobs and bolster our continued economic recovery.

The Executive Budget also proposes to extend the Brownfields Cleanup Program for another 10 years, and expand it to incentivize renewable energy projects and cleanups in disadvantaged communities. It will improve the state's Wetlands Protection Program, protecting an estimated additional 1 million acres of wetlands and helping New York to adapt to increased flooding and
severe storms fueled by climate change. And it will create a new Extended Producer Responsibility Program to reduce waste from packaging and printed paper.

DEC's operating budget is recommended at $481.4 million. That's an increase of 18.1 million. DEC's capital budget would grow to 9.7 billion, its largest ever. The budget increases DEC's staffing to 3,108 employees, and that's up 168 from last year. It also provides 90 million in NY Works funding to support critical infrastructure projects across the state.

These commitments will allow DEC to continue to fulfill our mission of ensuring the health, safety and accessibility of our environment while sustaining and advancing efforts to reduce emissions and invest in environmental justice communities across the state.

As a brief note, I want to bring attention to DEC's extraordinary professionals who served on the front lines of COVID over the last, well, two years, in
conjunction with our state and local partners. DEC constructed and operated testing and vaccine sites, delivered food and medical supplies, and operated call centers. All told, more than 1,000 of our 3,000 staff were part of the agency's response, and I salute them.

During the pandemic, DEC has continued to meet our core mission and address new and emerging challenges. On climate change, as you've heard this morning, DEC is helping to position New York as a national leader on climate action. And as cochair of the Climate Action Council, along with NYSERDA President Harris, we're working to ensure we hit our nation-leading emissions targets, our commitment to environmental justice communities, and to transform today's workforce.

We look forward to hearing the public's comments, of course, over the next 120 -- or perhaps longer than that -- days in which they will have a chance to weigh in personally and in writing.
In addition to our Climate Action Council work in 2021, DEC advanced critical projects and policies and programs to safeguard the health of our state. That includes: Adopting New York's Advanced Clean Truck Rule, which will phase in sales of zero-emission trucks to reduce our pollutants in communities, supporting community-based organizations in environmental justice communities though millions of dollars in EJ Community Impact Grants.

Enacting regulations supporting the new Organics Recycling Law and the new polystyrene ban, which we worked on with you.

Leading the nation in protecting drinking water from emerging contaminants like PFAS and 1,4-dioxane.

Directing $272 million in water quality improvement projects across the state, in conjunction with EFC and DOH, an additional many millions.

Finalizing regulations prohibiting the pesticide chlorpyrifos, and recently taking steps to restrict the use of neonicotinoids;
Also advancing coastal resilience projects from Lake Ontario and the St. Lawrence River all the way down to Long Island and Staten Island.

We've been locating and plugging abandoned oil wells all across the state.

We've been putting emphasis on sustainable use of public lands in the Adirondacks and Catskills, launching a pilot reservation system in the Adirondacks, a new shuttle bus system in Essex County, and increased investments and regulations in the Catskills at the Peekamoose Blue Hole.

We've purchased well over 1200 acres of land and conservation easements and fee acquisition. We've been improving DEC's campgrounds, which like parks, hit a record this year of 1.5 million visitors to our campgrounds. We have a nationally recognized deer management plan and a trout stream management plan which has been well-heralded, and we're working hard to protect endangered species across the state.

Our Environmental Conservation Police
have been enforcing environmental crimes.

Our Forest Rangers have been rescuing lost hikers and responding to fires, whether they're here or in other states. And we've been busy of course, as you know, cleaning up contaminated sites like Tonawanda Coke in Buffalo, Hoosick Falls, and the Northrop Grumman plume down on Long Island.

So we have a big and broad mission, and our dedicated professionals always rise to the challenge, whatever that may be.

In closing, I'll say that New York State has long held the title of the birthplace of the modern environmental movement, yet it's not enough to give birth to a movement when the scale of the challenge demands sustained leadership. Governor Hochul's proposed generational investments in conservation, clean energy and green jobs repositions our state at the vanguard of environmental protection.

Thank you again for the opportunity to be with you today. I look forward to your questions and of course look forward, more
importantly, to getting the job done this year in conjunction with all of you.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much, Basil.

We will start with Senator Todd Kaminsky, chair of EnCon.

SENATOR KAMINSKY: Thanks,

Chair Krueger.

Hello, Commissioner, how are you?

Good afternoon.

COMMISSIONER SEGGOS: Good, Senator.

Good to see you.

SENATOR KAMINSKY: A couple of questions for you.

First, on a scale of 1 to 10, 10 being as confident as one can be, how confident are you that we are going to reach the CLCPA's goals of 70 percent non-carbon electric sector by 2030? And since you did travel to the COP in Scotland, can you tell us whether you got a sense that the world, including developers from all over the world, realizes that New York is on the ground floor of
opening a green economy?

COMMISSIONER SEGGOSS: Well, Senator, I did attend in confidence. And I say that without any bit of braggadocio. We have to hit our targets -- not just required by the law, but we have to do it because the climate crisis is real and we see the effects of that every day, whether it's here in New York or across the world. We are experiencing an existential challenge ahead of us.

We're not alone. Luckily we've got 26 other states here in the U.S. that feel the same way and are taking similar actions. Of course we have a president now in Washington who's attempting to push the boldest climate agenda in our nation's history.

I'm glad you brought up the experience in Scotland at the COP conference summit, where we -- Doreen Harris and I both attended in representation of the Governor. Had the distinct feeling like New York was well ahead of the game at COP. Many of the other countries, many other states and subnations
recognized the work of the Climate Action Council and some of the work pursuant to the CLCPA, and of course all the work we do in offshore wind and solar.

There are other partners out there. There are hundreds of other partners around the world at the subnational level and national level. But it's clear that New York is at the vanguard of that. We have much to learn from our friends and neighbors, but we're happy to be in a leadership position and to help share that knowledge around the world.

SENATOR KAMINSKY: Commissioner, we in the prior budget created ORES to help fast-track green energy projects that were caught up in the bureaucracy of the Article 7 process. Our understanding is that your Office of Fish and Wildlife is sending recommendations to ORES that is preventing them from the expeditious approval of projects.

Can you tell us how your two agencies interact, and what we can do to make sure
that while local concerns are taken into account, we don't have a backlog of projects?

When I heard Houtan Moavenci this morning say he greenlit seven or eight and has 64 waiting, it gave me great concern.

COMMISSIONER SEGGOS: Sure, I'm glad you raised that. I've certainly heard that as well. And obviously, you know, our mission -- we have a balanced mission, right? We have to protect wildlife at the same time as helping the state transition off of fossil fuels.

So that mission pervades all of our divisions. And when we're involved in any of the proceedings in ORES or anywhere -- Article 10, for example -- our biologists and experts deliver the testimony that they believe helps to advance the project while also providing for protections, necessary protections.

I have heard those, and every time I hear about that, with Heritage Wind, for example, I dig into it and explore what my staff is concerned about. And ultimately the
outcomes end up strengthening those projects.
And I think as Houtan said this morning, the
outcome speaks for itself. That project is
advancing.

I can't speak to the backlog at ORES.
I'm not sure if it is a backlog or a
pipeline. Mind you, you created the ORES
office to accelerate projects, and I think
you heard that under Article 10 some of those
were taking many, many years. ORES has been
around now for only a couple of years, and
they're starting to churn out results.

So I am optimistic that we can create
a balance, a necessary balance and leave the
natural resources of our state protected
while we advance these critical projects
through that office, and certainly look
forward to making sure we have the right
teams in place here at the agency to support
that.

SENATOR KAMINSKY: Thanks.

What is holding back New York from
having more EVs on the road? I sponsor a
direct-sales bill; we are behind some other
Can we be doing more, and how do we ramp that up?

COMMISSIONER SEGGOS: I think we can be doing more. I think we've recognized that during the work of the Climate Action Council, right, through the frankly hundreds of thousands of hours we've all spent together over the last two years.

Recognize that we can be doing more when it comes to infrastructure and the proliferation of EVs in New York State. And I think we're on track to hit ambitious numbers, but we're certainly willing to work with you all and with our partners in government to ensure that we have enough infrastructure, charging infrastructure, and to ensure that EVs are accessible to all New Yorkers. And I know that we can't hit our targets unless we have a significant number of EVs sold by 2030.

SENATOR KAMINSKY: Okay. Just want to jump around to a bunch of different subjects under your jurisdiction.

First is sand mining. The Legislature
passed a bill to try to give local control over sand mining. That was vetoed. A number of environmentalists and scientists have pointed out the problems that sand mining poses to the aquifer. And there's also what I would consider the bad actions of Sand Land that, even after adverse rulings in court, continue to mine and mine and mine.

Can you tell us how you're approaching sand mines, whether you understand the danger that they pose and whether you have your eye on Sand Land specifically?

COMMISSIONER SEGGOS: I certainly can. We certainly recognize the -- our regulatory role when it comes to sand mines on Long Island, the home to the sole-source aquifer and the connection there between surface activity and the groundwater.

There's 23 mines, as you know, on Long Island. Six of them are permitted to mine under the water table; one of those is pending. We have a robust process to ensure that any of the mines that we regulate are being monitored effectively. There's
obviously a hydrologic investigation that is
commenced at the application process. We
then move into exploring potential impacts on
water, and then all of that is driven by
data.

To the extent there are violations,
our offices have been quick to move into
enforcement phase. I think over the last
five years we've assessed about $5.5 million
of fines and penalties at locations down
there.

You mentioned Sand Land. We have
obviously litigation underway, so there's not
so much I can say about that other than to
say we're looking at them very closely to
ensure that they're complying not just with
the law, but of course what this Court of
Appeals is looking at. And of course if they
are continuing to mine at any point
additional activities, that would become part
of an enforcement program.

There is a study underway, as you
know. We took public comment on that writ
large. And we'll be, beginning in 2022,
likely Quarter 2, conducting testing, periodic testing of the groundwater in the area to ensure that we comport with the Governor's directive to do that study in conjunction with you all.

But it's a robust program, we take it very seriously.

SENATOR KAMINSKY: Thank you. And certainly I can speak for Assemblyman Thiele that we will remain in close contact with you about any actions we learn happening with Sand Land.

COMMISSIONER SEGGOS: Absolutely. Yup, we're here for that.

SENATOR KAMINSKY: Thank you. Can you tell us your plan for Adirondack Park visitor usage? Are we getting close to the time where you could pull up an app on your phone and see that one trail is clogged and it might be time to go to another one, or give people realtime information?

COMMISSIONER SEGGOS: I'm not sure we're at that point yet of having, you know,
apps pervasive with data. We have -- of

course the backcountry itself is -- has poor
cell service. By design, it is largely
wilderness area, so it is difficult to get
cell service in the area.

But we've been leaning forward in an
attempt to make trips to the Adirondacks far
more sustainable and make the experience far
more enjoyable. We've worked closely with
the High Peaks Advisory Group that we
created, receiving all types of
recommendations on how to better control
usage.

I think it's working. Several very
important recommendations that have come out
of that include a shuttle service, include a
parking reservation system that's now
underway. We're better directing funds into
the backcountry to make trails more
sustainable. We're looking at the parking
opportunities across the High Peaks area just
to keep folks off of roads.

So we're doing everything we can. I
think at this point we're excited to go to
the new phase of, you know, taking a
long-term look at usage. We're preparing a
scope of work for what might be a visitor use
management system, putting that out on the
street for a qualified vendor to compete for.
And ultimately continuously adapt and make
sure that we're protecting the natural
resource but also making the recreational
experience a very positive one.

SENATOR KAMINSKY: All right, thank
you. And finally, one issue that's recently
come to my attention in the last day.

Are you undertaking any enforcement of
the new food waste act that we worked
together on in the budget a couple of years
ago? My understanding is there are -- is a
particular supermarket chain that's refusing
to participate, and I want to make sure that
if food could be going to food pantries or
converted into energy, we're doing that, and
not continuing to have wasted food.

And I just want to know if that's
something that's under your purview, and hope
we can discuss offline where I think that
is -- the law is being violated.

COMMISSIONER SEGGOS: Yeah, I'd love
to get any tips you have on that. I mean, we
are now 31 days into the law. We expected
there to be hiccups up front, as there always
is with the creation of a new law and the
enforcement of it.

We started, as I said publicly, with
an education period, education and
consultation period. Our teams went around
the state, we've been talking publicly about
the new law and the obligation to comply with
it. We had a feeling there would be
noncompliance up front. We will work with
you and anyone else who sends us tips to make
sure there's corrections.

SENATOR KAMINSKY: Thank you.
Thank you, Chair Krueger.

CHAIRWOMAN KRUEGER: Thank you. I do
have to cut off the chair now. We've used up
the clock. So sorry, Todd. Thank you.

And I'm going to hand it over to the
Assembly.

CHAIRWOMAN WEINSTEIN: We will go to
the chair of our EnCon Committee,

Assemblymember Englebright, I believe is with us.

ASSEMBLYMAN ENGLEBRIGHT: Yes, thank you. Can you hear me?

CHAIRWOMAN WEINSTEIN: Great. Yes, we can now. I'm glad they resolved the issue.

ASSEMBLYMAN ENGLEBRIGHT: Thank you very much.

Commissioner, how are you today?

COMMISSIONER SEGGOS: Good to see you, sir. Doing well.

ASSEMBLYMAN ENGLEBRIGHT: Nice to see you. Good.

I'm very pleased to see that the addition of 94 new DEC employees is in the budget. We've heard complaints, as you know, over the years about insufficient staff to do important work like permit review and wetland mapping, program oversight.

Do you have sufficient staff to manage all of the department's important responsibilities?

COMMISSIONER SEGGOS: I can say that I
do. When we foresee a need for increased staff, we ask for help, and that's exactly what I did this year. And the Governor of course has supported that by adding staff to our bottom line.

So, you know, since I took this office, when I first started I think we had about 2800 staff, and we're up over 3100 if this budget goes through. And that's going to really help us fulfill our ever-expanding mission while keeping our core mission intact.

ASSEMBLYMAN ENGLEBRIGHT: Addressing climate change remains one of the biggest and most pressing challenges that we face. How much of the Executive Budget can specifically be attributed to addressing climate change? What was the justification for including this amount? And do you have sufficient staff to take on this issue, especially in the years going forward?

COMMISSIONER SEGGOS: Well, I think it's been discussed. We are proposing to add another billion dollars to the bond act,
bringing the total to 4 billion. And of that, we would be programming -- proposing to program $1.1 billion to climate mitigation. Of course the other categories can arguably be said to be dedicated to the resiliency side of climate change.

So all told, what is the Clean Water, Clean Air and Green Jobs Bond Act is also very much a climate bond act. And to the extent that the voters say yes to it, we look forward to carrying that out this year.

I won't get into the program NYSERDA spending that you all discovered and talked about this morning, the $500 million investment in offshore wind. But in terms of what is within DEC, we are also proposing an increase to the EPF and a sizable increase in the amount of money going into climate -- specifically, $44 million on climate.

Over the course of the coming years as we undertake our work on the Climate Action Council and the CLCPA, we'll always be looking at our staffing needs. And if there is a need to increase any staffing, we would
certainly seek to make an adjustment on that.

I will note that even during the
course of the pandemic we were able to do our
work on the scoping plan as part of the
Climate Action Council and have done that
well without missing a beat on our many other
obligations.

ASSEMBLYMAN ENGLEBRIGHT: Thank you.

The Climate Action Council recently
released a Draft Scoping Report or plan. Did
anything about the Executive Budget change in
response to the release of the plan? And if
so, what? And if not, why not?

COMMISSIONER SEGGOS: Good question.

I can't say that anything specifically
changed within the budget, but you certainly
have a Governor now that has taken office
while the state is part of the way through
its obligations under the Climate Act. And
she is absolutely dedicated to supporting us
and seeing that we hit our targets. I think
you see some of her frontline support on many
of the NYSERDA initiatives that have taken
place over the last several months.
So the budget, again, another historic investment in DEC, potentially giving us resources that we've never had, is going to set us up for real success in turning around projects all around the state that will not just mitigate the effects of climate change but also help the state adapt to it.

ASSEMBLYMAN ENGLEBRIGHT: In 2018 the Legislature added approximately 800 acres of land, including the coastal forests around the Shoreham Nuclear Power Plant, to the Long Island Pine Barrens. Negotiations began shortly after that for the state to purchase some of its property.

Can you tell us what is the status of these negotiations, and is there sufficient funding available to pay for this potential acquisition?

COMMISSIONER SEGGOS: I can tell you, Assemblyman, we've -- it's a very exciting project, as you and I have discussed over time, a transformational project for the region. And we look forward to seeing that come to reality very soon.
I believe we have the funding we need for it, and I have undertaken an extensive negotiation, in conjunction with many local partners as well. So my hope is that we can bring it across the finish line very soon.

ASSEMBLYMAN ENGLEBRIGHT: That would really be wonderful. It would complete a north-south greenbelt that involves federal, county, local, town and now of course State Parks and state DEC with a shore-to-shore greenbelt that would be revolutionary. As you say, transformational.

COMMISSIONER SEGGOS: It would be.

ASSEMBLYMAN ENGLEBRIGHT: So please keep us informed as you progress.

COMMISSIONER SEGGOS: Absolutely will.

ASSEMBLYMAN ENGLEBRIGHT: Further to Senator Kaminsky's question regarding the overuse issues in the Adirondacks, also in the Catskills, why was funding to address this problem eliminated from the EPF? It's a really serious problem.

COMMISSIONER SEGGOS: Well, I look at the increase to the EPF as being part of that
reason. Right? We're adding another
$100 million to the EPF. That's given us and
will give us extraordinary flexibility to do
more and eliminate the need to create these
carveouts.

I know that we're going to be
dedicating resources to the Adirondacks
probably in excess of historic lines. And so
I look forward to communicating exactly what
we're doing with you over the coming year.
But I wouldn't take the elimination of that
line as an indication that we aren't going to
be putting an emphasis on that. We certainly
need those resources; we heard it loud and
clear from the High Peaks Advisory Group.

ASSEMBLYMAN ENGLEBRIGHT: In May of
2021 the Court of Appeals found that the DEC
and the Adirondack Park Agency approval of
certain snowmobile construction trails was
unconstitutional. What is the status of
these trails? Are they being restored, as
per the logical follow-through on the court
decision? And, you know, are they open for
use in their modified form?
COMMISSIONER SEGGOS: I mean, certainly any of the trails that would have been started pursuant to that historic plan went to a grinding halt when we saw that the subject was brought before the court.

Any of the trails that are being used now are the ones that are historic in nature, of course that predate the litigation. And we have not added any more trails in the Adirondacks.

ASSEMBLYMAN ENGLEBRIGHT: We'll be watching that carefully. It's a really important court decision, and the fidelity of your agency to that court decision is something very important to all of us.

Speaking of mysterious cuts to funding, let me just add that I was mystified by the funding cut for hookups for electronic vehicles. And have equal astonishment at the funding cutback for the Peconic Estuary, which clearly should be a priority. It's one of the great ecosystems of our state.

Why were these cuts put into the budget?
COMMISSIONER SEGGOS: Well, I know that, as you heard this morning the significant emphasis from sister agencies to put money into helping expand vehicle charging stations around the state. Of course we look forward to working with you, as we do every year, on the EPF to ensure that it's matching mission and that we aren't leaving holes out there. It is a popular program.

On the Peconic as well, I think it's a similar answer that I gave on the High Peaks. We certainly are going to be working on the Peconic Estuary at an extraordinary level with our Region 1 staff and our staff here at headquarters. And to the extent we need to make any adjustments to the EPF, as we always do, we'll be working with you on that.

ASSEMBLYMAN ENGLEBRIGHT: Much appreciated.

Commissioner, I know you've taken a personal interest in a portion of the Peconic and Long Island Sound Estuaries. The hinge between these two national estuaries is
Plum Island.

COMMISSIONER SEGGOS: Yes.

ASSEMBLYMAN ENGLEBRIGHT: Have you
sent a letter, are you planning to send a
letter to the federal government? At this
point the process is such that several
federal agencies have first dibs, but if
there was interest shown from the state, I
think they may be deferential.

Have you weighed in with a letter that
would protect Plum Island as part of the
state's open spaces?

COMMISSIONER SEGGOS: Yes, good timing
on the question. We sent a letter yesterday,
Erik Kulleseid and I both sent a letter to
the Secretary of the Interior indicating that
we wanted to be kept apprised of what the
federal government was doing on that island.
And we expect them to make a decision in the
next few months, and would adjust accordingly
based on how they intend to approach it.

But we have a significant interest in
the ecological, recreational, aesthetic,
historical -- I mean, there are indigenous
cultural issues on the island as well. So we'll be watching them very closely, and we'll keep you apprised of it as it goes.

ASSEMBLYMAN ENGLEBRIGHT: Thank you very much.

I yield back to the chair, thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate, then.

CHAIRWOMAN KRUEGER: Thank you very much.

And our next Senator is -- excuse me -- Senator Hinchey.

SENATOR HINCHEY: Thank you, Madam Chair. And hello, Commissioner.

COMMISSIONER SEGGOS: (Inaudible.)

SENATOR HINCHEY: Chair Englebright actually asked one of my questions about the Adirondacks overusage line in the EPF -- although I would just want to be very clear that we fought really hard last year for it to include the Catskills. And so I look forward to working with you to make sure that the Catskills are reflected in the EPF funding that is there as well.
COMMISSIONER SEGGOS: Great.

SENATOR HINCHERY: To build off of that, though, we know -- and as we've already talked about in this short time -- the overusage piece of our parks and how important our Forest Rangers are in that. Can you talk a little bit about what you are doing and what your agency is doing to recruit and retain our Forest Rangers as well as making sure that their jobs are competitive?

COMMISSIONER SEGGOS: Great question. Very excited that we'll be hosting an academy in the next few months -- the first academy in a couple of years -- for Forest Rangers and ECOs. This particular academy will have the largest class of Forest Rangers ever, a class of 40, that will bring their numbers up to the highest levels they've ever had.

And I certainly recognize the work that they do and want to support them and continue to adjust the force as conditions demand it in the field. When they're not
fighting COVID or wildfires, they're rescuing
lost hikers. So they perform an invaluable
service, and we need to do everything we can
to not just grow their numbers but retain
them and -- I have a team here that's
dedicated to managing our law enforcement
that's constantly thinking about equipment,
retention policies, making sure that this
team has everything they need in terms of
leadership and direction. I know we have
that right now.

SENATOR HINCHEY: Thank you.

And I know they've been fighting
really hard for that 20-year retirement bill,
so I look forward to working with you and
anybody to see how we can make their jobs as
competitive as possible in the space.

I want to switch topics a little bit,
about clean water infrastructure. We know
that the Governor allocated another
$500 million for clean water funding in the
budget -- which is great, but what we see
often is that type of funding typically goes
to communities that have already received it
prior, especially through competitive grant programs that once you're in, you're in. And a lot of our small upstate communities don't have the ability to apply for those grants. 

Can you talk a little bit about how some of this money is planned to get out into upstate and rural communities who are often seeing water infrastructure up to about 200 years old?

COMMISSIONER SEGGOS: Hmm. No doubt about it.

We have made an effort to ensure that these dollars are being spent in an equitable way -- not just downstate, of course, where the needs are great, but all across the state where you have this antiquated infrastructure.

When the Governor took office, she very quickly gave us the green light to free up some of that money that -- basically $600 million that had been held somewhat during the pandemic. We have made $265 million and put that out there -- $272 million, actually, that went out in
December.

About 53 percent of our awards are going to more disadvantaged communities -- that's environmental justice communities as well as hardship communities. We created also a category within the Environmental Facilities Corporation on the loan side to ensure that we were giving zero-interest loans to communities when they were needed.

So we're trying to match both the grants and the loans so that we get it out across the state, not just to historically -- communities that have very well competed for those dollars in the past.

CHAIRWOMAN KRUEGER: Thank you. I have to cut off this questioner and Commissioner Seggos.

Assemblywoman Weinstein.

CHAIRWOMAN WEINSTEIN: We will be going to Assemblyman Smullen, the ranker on EnCon, so he gets five minutes. Yes, five minutes. Thank you.

ASSEMBLYMAN SMULLEN: Thank you very much, Chair.
Mr. Seggos, it's great to see you.

COMMISSIONER SEGgos: Good to see you as well.

ASSEMBLYMAN SMULLEN: We've got the lightning round here, so let's do it.

What is your assessment, since I think you're the senior commissioner in New York State government at this time in terms of longevity --

COMMISSIONER SEGgos: Hmm. Scary.

(Laughter.)

ASSEMBLYMAN SMULLEN: What is your assessment of the structure of the Climate Action Council? You know, one of the worries I have is that the electricity grid itself is able to handle this enormous load we're about to put on it over the next 10 years. Should the New York ISO be on the Climate Action Council? Should we amend that?

COMMISSIONER SEGgos: We are in regular communication with the ISO. We have members, of course -- we have not just the 22-member Climate Action Council, but we've got hundreds of -- well over a hundred
experts on the outside who have been advising us. We, DEC, we turn to the ISO on a regular basis in terms of some of our permitting proceedings and regulatory proceedings. I know that they have a voice in helping us to shape our plan for the future.

So whether they are formally involved or not -- it might be a little bit late to formally involve them, but we certainly will be engaging with them over the course of the next 12 months as this public comment process is out. We have to do it with them.

ASSEMBLYMAN SMULLEN: Thank you.

You know, I'm the son of a union bricklayer. In the same vein, should some of our organized-labor trades also be, you know, very closely involved or officially involved in the process? They're going to be the ones that are going to build these things, they're going to be the ones that actually, you know, put the work out there in the field. Should they be involved?

COMMISSIONER SEGGOS: Well, I'm proud to let you know that they are. They have a
strong seat at the table. In fact,
Department of Labor Commissioner Reardon is
one of the members of the Climate Action
Council. And through some of the panels --
and particularly the Just Transition Work
Group is comprised of a significant number of
members of labor.

So that transition that you're
alluding to, from the jobs of today to the
jobs of tomorrow, how do we make that
transition smooth, is going to be very much
informed by a strong relationship with labor.

ASSEMBLYMAN SMULLEN: Thank you for
that. I really hope that they are really
getting their necessary knowledge into this
process.

We've only got a few minutes. We
talked about the $4 billion bond act that's
coming out. What's the current level of
New York State's debt right now?

COMMISSIONER SEGGOS: You've got me on
that one. I don't know. I couldn't tell you
offhand --

ASSEMBLYMAN SMULLEN: I'm interested
in the level of debt and the bond rating and
how this $4 billion is actually going to
affect the rating.

So what are the top three expenditures
that you imagine this $4 billion fund being
spent on?

COMMISSIONER SEGGOS: Okay. Well, the
categories will be familiar to you. We're
not proposing to change the categories that
you had seen two years ago when we first
began talking about the bond act and
unfortunately had to put that on hold at the
time.

But the categories are restoration and
flood risk reduction, so of course helping
municipalities withstand more severe weather;
open space and land conservation, which
pertains to fish hatcheries, of course open
space acquisition, farmland protection. On
the climate change front, helping with green
buildings. And a general category, water
quality improvement as well, helping to
improve water quality across the state,
drinking water and stormwater. And then
capital projects that are critical to our
landscape and recreational future.

So those are the categories that we
worked on last time. The only real increase
is to the climate mitigation bucket, and
that, I think, as we talked quite a bit this
morning, is going to help us advance some of
those clean energy agendas.

ASSEMBLYMAN SMULLEN: Well, I look
forward to working with all of the council on
hard infrastructure projects, so we're
getting our money's worth in dams and all the
coastal areas that need a lot of work. It
would be very important.

So we're getting towards the end of
our time here. We talked a little bit about
carbon emissions and you heading off to
the -- to Scotland. Did the Chinese, when
they were in Scotland, did they actually
agree to reduce their emissions?

COMMISSIONER SEGGOS: You know, China
wasn't in the -- at the table until very late
in the three-week summit. They did finally
come to the table at the end and strike a
deal with the U.S. to continue a dialogue.

But I will say that, you know, we left Scotland with -- on a high note with some very positive action at the state level, the subnational level, and maybe some less-than-ambitious progress at the national level, meaning the accords we were able to strike between nations.

And of course China, being a huge emitter, was a latecomer to negotiations. And frankly when we all gather -- when they all gather at the end of this year in Egypt for COP 27, that's going to be a huge aspect of negotiations, is locking down China and some of the other high-polluting countries.

ASSEMBLYMAN SMULLEN: Well, thank you very much.

COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you. We go back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

The next testifier is Senator Stec, ranker, for five minutes.

SENATOR STEC: Thank you, Madam Chair.
Good afternoon, Commissioner. How are you?

COMMISSIONER SEGGOS: Good, sir. Good to see you.

SENATOR STEC: Hey, good to see you. Thanks for your work.

I'd like to run through my five minutes pretty quickly in different areas. I'm not going to ask you the question that I ask you all the time because I'm going to be polite about whether or not all the extra work that we throw your way in the Legislature is going to get done in addition to all the work that you currently have to do with the budget that doesn't move a lot and with the head count that doesn't move a lot.

I know your answer; I'm not sure I buy your answer.

COMMISSIONER SEGGOS: (Laughing.)

SENATOR STEC: But because I like you, I'm not going to put you on the spot there. But for my colleagues that are listening, you know, hopefully I made the point.

In the Forest Rangers, in the
Adirondacks, as you know, my father's a retired Ranger. And back when I was a kid and the Governor was Mario Cuomo, we had about the same number of Rangers, total Rangers in the state, as we do today, a number around 130. However, since the inception of the Adirondack Park, we've added 350,000 acres to the Forest Preserve. And as everyone knows, due to social media and how cool the Adirondacks are, we've had a significant increase over the last decade in hikers and associated activity for the Rangers, so that goes with that.

I heard you answer Senator Hinchey's questions earlier, and I appreciate her appreciation of the Forest Rangers. Is there a plan to increase the Rangers in the High Peaks? And I'd be -- you know, I think you're having a lot of retention/replacement and a lot of these classes are going towards attrition. But are we going to actually increase Rangers in the High Peaks?

COMMISSIONER SEGGOS: The answer is yes. This class should increase the overall
number significantly. And of course the High Peaks is where you have most of the action, most of the rescues, most of the incidents. And I've been working closely with the division's leadership to make sure that we have the right number of Rangers up there. It's obviously complicated in some cases to orchestrate a transition from one home to another, but from an institutional perspective, we need to make sure we have that force staffed up accordingly in the High Peaks.

SENATOR STEC: In addition to that, as you know there's been a long history with the Rangers. They were considered police officers, then they weren't considered police officers. I know a few years ago there was consideration about merging their title with the ECOs. I don't want to get into that.

But the Rangers back in 2006 became police officers again, and their level of responsibility and training has certainly increased over the years. And obviously, as you're aware, their use in particular in the
Adirondacks has greatly increased. Has there been -- is there going to be movement on a salary grade increase for our Forest Rangers? I know that there's concerns about compression and competition with other agencies. I remember when my Dad was a Ranger, they made a lot less money than State Troopers did. But I know there's also a compression issue with backfilling or promoting Rangers and Rangers not wanting to take jobs because of the compression of the pay scale. So is that going to get addressed soon?

COMMISSIONER SEGGO: Well, I'd have to defer to the Division of Budget and GOER, which handles much of the collective bargaining. We would weigh in as they need our information.

We certainly have an interest in making sure we have a good retention policy here. Some of that is under my control; some of it's not. And I would leave that to the next time that the Rangers are taken up under collective bargaining.
SENATOR STEC: Right. I mean, is -- am I correct to assume that they have a strong case that I probably inadequately laid out?

COMMISSIONER SEGGOS: I couldn't tell you one way or the other. I know that we are an attractive agency. We do -- we do have a good package, we have an attractive career for anyone who wants to become a Ranger. In some cases, in my view, it's at least as competitive if not more so than -- when you take everything into account -- than what the Troopers get.

But I understand basic pay and other issues need to be taken into account. That's something that collective bargaining will take up.

SENATOR STEC: Okay, great.

In the EPF $400 million, a $100 million increase, is some of that funding going to be going towards addressing -- I'm sure the answer is yes, but if you could elaborate briefly on trail maintenance, you know, and all the -- you
know, I mean somebody mentioned earlier, Chairman Englebright did, about the tree cutting lawsuit decision -- which not all of us in the Adirondacks agree with his read on it, but that's okay.

But we do have infrastructure needs and maintenance needs that aren't occurring in the Adirondacks, which is contributing to the problem that Chairman Englebright so eloquently expressed.

COMMISSIONER SEGGOS: No doubt about it, the EPF does contain a $15 million increase to our public access stewardship line. In addition, we have another --

(Zoom interruption.)

COMMISSIONER SEGGOS: -- another $90 million in our NY Works, which is great for us in the Adirondacks as well. And then of course the bond act, when and if that comes to be, we would seek to make sure it was balanced around the state. But we're making investments of course to the Adirondacks, where you have major needs.

SENATOR STEC: Thank you. I see my
time's up. Thank you.

CHAIRWOMAN KRUEGER: Thank you, Basil.

Thank you, Dan Stec. I have to cut you off now and hand you back to the Assembly.

CHAIRWOMAN WEINSTEIN: We're going to go to Assemblyman Ra, the ranker on Ways and Means, for five minutes.

ASSEMBLYMAN RA: Thank you, Chair.

Good afternoon, Commissioner. Good to see you again.

COMMISSIONER SEGGOS: Good afternoon.

Likewise.

ASSEMBLYMAN RA: I just wanted to get into extended producer responsibility a little bit.

So I know under the definition we're talking about the producer who manufactures packaging. I mean, obviously for all of us when we see items shipped and everything, we -- you know, we want to kind of I think change behavior, really, here. Right? You know, we want -- you know, not to use too big packaging, not to break up shipments into multiples, all that type of stuff.
So, you know, does it make more sense to maybe tweak that definition a little bit so that we're talking about maybe the company that's utilizing the material as opposed to, you know, the manufacturer itself of cardboard? Like if, you know, some corporate logo's going to get stamped on that box and they're the ones shipping, don't we want to be influencing that shipper to use less materials?

COMMISSIONER SEGGOS: That's a good question. I think it gets really at the heart of what we're trying to accomplish, which is ultimately at the end of the tailpipe we need to have less waste. How do you get there? How do you take the burden off of taxpayers right now, who are frankly fronting the bill when it comes to municipal recycling costs, when it comes to landfilling, when it comes to all that transit of recycled or waste product around the state. So how do you reduce that?

From our investigation over the course of the last really couple of years, in
conjunction with several of your colleagues and other stakeholders, we've learned that a stepwise approach might be the best approach here. Whereas during a period over a couple of years of effectively spelling out what additional categories would be subject to it, right, we need some advice from the regulated and stakeholder world. So we'd be creating an advisory committee to scope that out: Who needs to be covered, what needs to be covered.

And then of course conducting a needs assessment as part of that. That needs assessment will then of course dive into what the problems are and how those problems can be addressed. Preparation of a plan, right, and then how that plan dovetails into regulations and of course getting the program going in time for 2026.

So it is -- we are attempting to address both the problems faced by shippers and faced by customers, faced by producers, but ultimately shifting the burden of it back to the originator. Right? That the
originator doesn't make a product that then
has to be so heavily handled and dealt with
along the way.

        ASSEMBLYMAN RA: Thank you.

        And so I know this is not -- you know,
and thanks to the -- you know, I think our
chair, Mr. Englebright, my Long Island
colleague, has -- you know, I've been on
forums with him and stuff, you know, so I've
learned a lot about this topic from this.
But, you know, there are other states that
have looked at this or are doing it. Are
there any lessons we can learn right now from
other states who may be a couple of steps
ahead of us and doing this?

        COMMISSIONER SEGGOS: Absolutely. I
mean, we'll look actually around the world.
There's Maine, Oregon -- both have programs
that are in effect right now. We can
actually look inward to New York as well. We
do have, as you know, EPR programs already
for several waste streams. And e-waste, for
example, has been very successful, a billion
pounds recovered. Batteries as well, 2.6
So we can look outward but also inward to some of our successes and make sure we launch a really good program in conjunction with stakeholders and industry.

ASSEMBLYMAN RA: Thank you very much, Commissioner.

COMMISSIONER SEGGOS: Thank you. Good to see you.

ASSEMBLYMAN RA: You as well.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator John Mannion.

SENATOR MANNION: Hello, Commissioner, good to see you.

COMMISSIONER SEGGOS: Good to see you as well.

SENATOR MANNION: So the Executive Budget proposes increasing the funding for flood mitigation strategies through the bond act and Environmental Protection Fund. My district includes Cross Lake and areas along the Seneca River. Can you speak to any efforts that the DEC has taken to address
consistent flooding in the areas, such as water management, capital projects or wetlands creation?

And, you know, I'm excited that we do have this Flood Mitigation Task Force that is going to convene hopefully soon, and additional legislation to support it, and hopefully dollars.

But my question is back to, you know, have there been any efforts to address the consistent flooding in the area?

COMMISSIONER SEGGOS: The answer is yes. Unfortunately, we've seen an enormous amount of flooding in your district in the course of the last five years. And numerous times I've been all across upstate New York during these mega-storms and seen the impacts of flooding in districts north, south, east and west.

So we have I think a piecemeal approach right now to response, right? We have a very effective response working with local authorities. But ultimately making rivers and streams less prone to flooding in
communities, that's getting to the heart of
the bond act. That's really what the bond
act is about; it's about how do we prepare
the state for the new normal.

Yes, DEC has had a good amount of
funding through the EPF and NY Works for the
last few years, and we've dedicated that
statewide. But we're talking about a
significant change in the way that weather is
impacting the state. And until we have some
real resources, we'll be largely chasing our
tail.

This commitment from the Governor is
going to provide us with resources we've
never had, and frankly it's going to go into
every portion of the state and helping
communities that are beset by these repeated
types of floods.

SENATOR MANNION: Thank you for the
response. I appreciate that.

Quickly, as I have under a minute,
Invasive Species Grant Program. We have
water chestnuts in my district, also in the
Seneca River, and the state has proposed
$17 million from the EPF for combating invasive species. Can you speak to how this funding or what programs the DEC would be supportive of regarding water chestnut mitigation?

COMMISSIONER SEGGOS: We certainly do what we can on the eradication side. The focus of much of our work when we were giving grants on this was on the prevention side. Prevention is the best approach. Once you've got invasives in a body of water it's extraordinarily difficult and expensive to pull those types of water chestnuts and any other invasives out of that water body.

Looking forward this year, we have a significant invasive species program. We look to get resources out to the field so that we're fixing problems as they occur, but also really reminding boaters as they transit the state to do clean, drain and dry and stop the movement of invasives.

We're happy to work with you on that specifically, Senator.

SENATOR MANNION: Thank you.
CHAIRWOMAN KRUEGER: Thank you both.

Assemblywoman.

CHAIRWOMAN WEINSTEIN: We go next to Assemblywoman Lupardo. We're now finished with all the rankers, so we're now on three minutes apiece.

ASSEMBLYWOMAN LUPARDO: Hello.

COMMISSIONER SEGGOS: Hi, there.

ASSEMBLYWOMAN LUPARDO: How you doing?

COMMISSIONER SEGGOS: Good, ma'am, how are you?

ASSEMBLYWOMAN LUPARDO: Fine. I just have a couple of quick questions for you.

As you know, Senator Hinchey and I have passed, last year, the Soil Health and Climate Resiliency Act, and I'd like to think that contributed to a substantial increase in funding. I mean, $13 million in additional funding for the climate resilience farming; we've got additional funds -- it looks like $2 million -- for farmland protection; additional funds for soil and water and even the Cornell Soil Health Program got an increase.
I'm just curious not only what you make of this but how you think this fits into the state's climate goals and specifically the CLCPA.

COMMISSIONER SEGGOSS: Well, I think it's a very important aspect of how we see the state in the future. We are a breadbasket, right, we have this incredible resource of our farmlands here in New York, and you've got a great commissioner in Richard Ball, who's been a part of our Climate Action Council and really a strong voice on it.

I think it's helped to move all of us into thinking about how our farms need to remain sustainable and how they can be a part of the solution for the future. And that starts now by investing in farms and making sure that we're not losing farms to development or seeing land go fallow. And I credit the relationship with you and Senator Hinchey, on a constant basis helping to hammer that home and bring us the stories from your constituents.
ASSEMBLYWOMAN LUPARDO:  I appreciate your saying that. We're looking forward to working with you.

You know, a number of my colleagues -- I know that Ms. Barrett is on the line, and others -- have spoken up over a number of years on the benefits of carbon farming in particular. I was just curious what your thoughts are on how carbon farming in particular, and potentially the use of biodigesters, which Ms. Woerner has been also a proponent of, fits into the greater goal.

As you know, we were a little frustrated that biodigesters did not qualify in the CLCPA.

COMMISSIONER SEGGOS: Well, listen, a well-managed farm with, you know, good products during the course of the year and cover crops over the winter, helps to sequester so much carbon. And we've seen some of the numbers on that through the Climate Action Council.

So we look forward to making sure that we have strong policies in place to continue that and keep strengthening that, both
through the EPF and through any of our investments, our New York climate investments moving forward.

In terms of anaerobic digestion, I mean I've seen those work firsthand, I've toured many of them around the state. There's strong application for them at many farms, and it's a way to offset emissions but also to help farms offset costs. We see it playing a role within the state's climate plans. And certainly the farmers themselves are going to look to ensure that those are being invested in accordingly.

ASSEMBLYWOMAN LUPARDO: Very good. Thanks a lot.

COMMISSIONER SEGGOS: Thank you. Good to see you.

CHAIRWOMAN KRUEGER: Thank you. I'm going to go back to the Senate, if that's all right, Assemblywoman.

CHAIRWOMAN WEINSTEIN: Yes. Yes, please.

CHAIRWOMAN KRUEGER: Senator Brad Hoylman.
SENATOR HOYLMAN: Thank you, Madam Chair.

Good to see you, Commissioner.

COMMISSIONER SEGGOS: Good to see you.

SENATOR HOYLMAN: First, just thank you for all of your work and for the independence you've demonstrated, particularly in the last months of your tenure in the previous administration. I really just wanted to acknowledge that.

I wanted to ask you quickly -- we've spoken about the combined heat and power plant at Peter Cooper-Stuyvesant Town that's being proposed by Blackstone. I don't know if you know, but we were told just yesterday that the Title 5 permits that would have required DEC to review the application have now been -- I guess obviated the proposed emission levels that -- in the application are just barely under the legal threshold --

COMMISSIONER SEGGOS: Yes.

SENATOR HOYLMAN: -- to avoid the relevant regulations and I guess your oversight.
What should we make of it? Is there -- what role is DEC going to play in this proposal now that they've I guess changed their application?

COMMISSIONER SEGGOS: Right. Well, obviously if they fall under our jurisdictional level, it makes it more difficult to have a more robust discussion. But that shouldn't constrain us from having a discussion about the potential climate emissions. And in fact we have put the facility on notice that we want to have a more robust analysis on the Climate Leadership and Community Protection Act impacts.

We understand that they will be coming back to that very quickly, and we're going to be an active participant in the city's local environmental review as well. The city will end up taking up a number of these questions through their SEQR process, so we'll be there.

We certainly -- anytime there's an emissions source like this, we're going to
ask the questions about CLCPA and ensure that some of those important Climate Act provisions are being taken care of.

SENATOR HOYLMAN: And how would we even know whether the emissions level was exceeded? Is that something that if they do in fact apply it with a lower threshold of emissions, would DEC test that on a regular basis?

COMMISSIONER SEGGOS: We would certainly be involved up front to understand the technology, to know what the potential is to emit. And that would be borne out by the engineering specs that were provided.

Over time, as with any facility, there's periodic reporting obligations, so we'd understand if they perhaps built something that is in violation of their statute and we would be -- or of their permit or their registration, and we would go back to ensure that they were either complying with it or reapplying for a new one.

So it would be very much an iterative process and making sure they're complying
with the law, but really tracking the data.

  SENATOR HOYLMAN: Thank you very much.

  Thank you, Madam Chair.

  COMMISSIONER SEGGOS: Thank you, Senator.

  CHAIRWOMAN KRUEGER: Thank you.

  Back to the Assembly.

  CHAIRWOMAN WEINSTEIN: So next we're going to Assemblywoman Lunsford.

  ASSEMBLYWOMAN LUNSFORD: Hello, Commissioner. Thank you so much for your time here.

  I'm coming to you again from the district that represents the High Acres Landfill. I'll tell you that just this morning we got over 50 odor complaints, and this has been a particular issue recently. It's been years now of us dealing with these odor complaints, and I want to ask you a few questions in that context.

  COMMISSIONER SEGGOS: Okay.

  ASSEMBLYWOMAN LUNSFORD: Particularly, what is DEC doing to help mitigate fugitive emissions from landfills across the state,
both active and inactive? And what are we
going to be doing to make up for lost time on
our Beyond Waste goals, given that some of
that was suspended during the pandemic?

COMMISSIONER SEGGOS: Well, I'll tell
you, every landfill is different, every
landfill is constructed differently, and
certainly not every landfill is next to a
community. And this one in particular has a
high level of visibility here in my office.
We see those complaints as well.

And I've sent my staff out there on a
nearly daily basis at times, when we're
seeing these tranches of complaints about
problems, going onto the site, making sure
that the company's operating in a responsible
manner.

I'm not satisfied. Certainly anytime
I hear complaints like this on a regular
basis I'm not particularly satisfied by the
outcome. And we look to always push the
operator into compliance.

As I understand it, this landfill is
now the subject of litigation, so I can't
talk at great detail about it. But I will
tell you we just hired a new deputy
commissioner, and one of her first tasks is
going to be to get on top of the odor
complaints at that particular facility.

We have -- as I think you know, I
spelled out earlier the goal to reduce waste
in the first place, which is really the heart
of the Governor's EPR bill that she's
proposing. And to the extent we can help
reduce waste in the first place, increase
recycling waste -- because we're recycling,
right -- that then puts less pressure on
landfills, generates less gas, and ultimately
makes people less unhappy when they smell
odors.

But we take it very seriously. I
understand odors are not just a nuisance,
they really are impacting quality of life.

ASSEMBLYWOMAN LUNSFORD: I believe
they're just symptomatic of other fugitive
emission issues. You know, we can -- we
don't have time right now to talk about the
PFAS leaching that we're seeing from a lot of
our landfills.

But if you could, are we still on target to reach our Beyond Waste goals of 65 percent organic waste diversion by 2030?

COMMISSIONER SEGGOS: Well, with the organics legislation that we signed and worked on with the Legislature, I believe we will hit those targets. We now have 31 days of operation, so it's a bit early to know whether or not we're going to have a successful Year One or have lots of education and enforcement.

But my goal is to make sure we have a really good launch this year so that we're hitting that 2030 goal.

ASSEMBLYWOMAN LUNSFORD: All right, thank you. I am out of time, but I will follow up.

COMMISSIONER SEGGOS: We can keep talking about it, absolutely, offline.

ASSEMBLYWOMAN LUNSFORD: Thank you.

COMMISSIONER SEGGOS: Yup.

CHAIRWOMAN WEINSTEIN: We go to the Senate.
CHAIRWOMAN KRUEGER: Thank you very much.

And we go to Senator Serino. Are you there, Senator Serino? Oh, there you are.

SENATOR SERINO: I'm so sorry, Madam Chair.

CHAIRWOMAN KRUEGER: That's okay.

SENATOR SERINO: Yes. And thank you, Commissioner, for being here today and taking our questions.

COMMISSIONER SEGGOS: Thank you, Senator.

SENATOR SERINO: So once again, you know, we have an Executive Budget proposal that fails to include any significant funding to combat the spread of Lyme and tick-borne diseases. And as my colleagues know, I'm always talking about ticks, you know, either through increased education, research, or prevention initiatives.

And we've spoken about the importance of this issue before, and that it's rapidly spreading across the state. While it's often, you know, looked at as a health issue,
we know it's an environmental issue as well. So your advocacy on this front could be key.
And I was wondering if you could tell me why you think this funding is continuously left out of the Executive Budget proposal and what you'd recommend that we do to change that, if there's anything you can suggest.

COMMISSIONER SEGGOS: Sure. Well, I certainly would recommend -- not to defer everything, but to talk to DOH about that, because they do manage the Lyme disease program here in New York State.

From a landscape perspective, however, we recognize that creating a healthier landscape ultimately reduces the chances of having tick-borne issues, and that ranges from having a robust and well-managed hunting program all the way through to protecting landscapes and restoring landscapes. And frankly I believe if we do this right, the bond act funding that's been proposed will help us make those investments in open space that we've needed to do for a long time.
Anytime you see a deteriorated landscape and
you have people going into it, you know, you have those opportunities for conflict.

So we do have a conservation mindset, the agency, and that in part will help on the human health side. But I get your point and would recommend a conversation with DOH on some of their education plans.

SENATOR SERINO: Those are really good points.

And my other question is, you know, lakes in the communities that I represent, especially in Putnam County, have been heavily impacted by the blue-green algae. And I've heard from local representatives who are frustrated with the new testing process that requires samples to be sent to DEC, and it takes days to get the results back.

And I was just wondering if there's anything in this budget proposal that aims to safeguard our waterways against this, or to improve the testing process.

COMMISSIONER SEGGOS: I'll try and look into the testing issue. I was not aware of a backlog. But that's a serious issue,
and we'll work on it very carefully and closely with any water bodies that are drinking water sources.

On HABs generally, this is a problem that is now impacting us at an increasing rate, I think due -- because in part of climate change. The clean water investments that we've made over the years, we've put over $220 million into priority body waters around the state that have had HABs issues, and trying to reduce the HABs from happening in the first place.

Part of that is reducing septic overflows. It's also hard infrastructure on the wastewater side. It's also farm practices and increasing buffer around streams. So all of those dollars we've been putting into those programs is going to help us, long term, reduce the prevalence of HABs.

And again, I hate to push everything back to the bond act, but I believe that those types of resources will help us fight the scourge of blue-green algae around the state.
SENATOR SERINO: And anything you can help us with, Commissioner, because I think it's going to take a multi-agency effort, with the Lyme and tick-borne disease, to bring everybody together.

So thank you very much, Madam Chair.

COMMISSIONER SEGGOS: Happy to talk to you with DOH.

SENATOR SERINO: Thank you, Commissioner. Appreciate it.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Assembly.

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblyman Mamdani.

ASSEMBLYMAN MAMDANI: Thank you so much, Chair Weinstein.

Thank you so much, Commissioner Seggos, for being with us today.

COMMISSIONER SEGGOS: Thank you, sir.

ASSEMBLYMAN MAMDANI: I want to also echo the words that were stated by Senator Hoylman regarding the way in which your conduct was towards the end of the last term.

Really did appreciate that.
I'm going to jump straight into this with the short amount of time allocated.

So the HOPE program is a workforce training program for New Yorkers 18 and older with 47 percent of their students having been involved in the courts, 45 percent experiencing homelessness, and 43 percent long-term unemployed, the very people that we should be prioritizing to get back into the workforce. And amidst New York State receiving higher than expected tax revenue and a significant amount of federal pandemic aid, the Governor has still proposed eliminating more than $942,000 in appropriations within DEC Aid to Localities, of which 140,000 is for the HOPE program.

What is your opinion on this proposed cut?

COMMISSIONER SEGGOS: I regret to say I'm not familiar with the cut to the HOPE program. I'd be happy to look into that and educate myself. I'll reach back out to you and broker a conversation on it. But I'm not aware of a cut to the program. But look
forward to hearing from you about it specifically.

ASSEMBLYMAN MAMDANI: Thank you very much, Commissioner.

I just have a second question on the same issue of cuts. If this is the same, please do let me know. But in case you've seen this, the Governor also proposed cutting funding from the Peconic Bay Estuary Program by $250,000. And the estuary is cited as one of the, quote, last great places in the Western Hemisphere by the Nature Conservancy, and one of the most important biological hotspots in the state.

What is the justification for that cut in funding?

COMMISSIONER SEGGOS: So as I told Assemblyman Englebright, we had this incredible increase to the EPF, $100 million, and it's arguably giving us the opportunity to gain more flexibility in spending and to eliminate having to do lines within various programs.

We're totally dedicated to the
Peconic. It is an extraordinary gem, and of course Plum Island being part of that. Look forward to working with the Legislature to ensure that you understand how we're doing protective work there. And to the extent it means making some adjustments in how we spell that out in the EPF, we've always been willing to do that.

ASSEMBLYMAN MAMDANI: So as of now, Commissioner, is -- are you saying that that cut in funding is not actually accurate and that it's going to be reflected in a different source of funding?

COMMISSIONER SEGGOS: Correct. There's a lot -- it's just a carveout, effectively, which would reduce the ability to move monies around within the larger category. And as with Adirondacks High Peaks funding or Catskills funding, you know, the Peconic was dropped slightly, but that doesn't mean we're not going to be doing that amount of work in the estuary.

So we can spell that out more thoroughly offline for you, to show you what
we're up to and how our staff down in
Region 1 are dedicated to the Peconic.

ASSEMBLYMAN MAMDANI: Yeah, as long as
the funding stays the same, I don't think
there's any issue about whether it's
reflected in a line item or in a broader
amount of funding.

But thank you very much, Commissioner,
appreciate it. And I look forward to hearing
from you about the HOPE program.

COMMISSIONER SEGGOS: Great. Thank
you.

CHAIRWOMAN WEINSTEIN: Back to the
Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator May.

SENATOR MAY: Yes, thank you,

Madam Chair.

And Commissioner, great to see you.

COMMISSIONER SEGGOS: Great to see
you, Senator.

SENATOR MAY: I apologize because I
was at a couple of meetings so if this was
already asked, just tell me and I'll move on.
But the Bottle Bill, you were talking about waste reduction before. I firmly believe if we could expand -- make the Bottle Bill more comprehensive, it would bring in a lot of money to the EPF and it would be easier for people to participate in.

So I was wondering, what are your thoughts and where are we with the Bottle Bill?

COMMISSIONER SEGGOS: Well, the Bottle Bill's been a fantastic program for many years, and it's supported the EPF. And luckily this year the Governor is looking to boost the EPF through RETT and other means. But that's the EPF.

Certainly the Bottle Bill -- we believe that the EPR program can attack some of the problems that we're seeing with waste, including the proliferation of plastic waste and getting some of those waste streams out.

So my preference would be to have a conversation about what's not covered by the Bottle Bill within the context of EPR and getting some of those waste streams minimized.
at the source. Right? Minimized by the producers and ultimately taken care of through the course of EPR regulations.

SENATOR MAY: Okay. I know, a totally different topic, we spoke on the phone the other day about water infrastructure and water resources. Upstate our freshwater resources are a treasure and an increasingly rare one, as the rest of the world dries out. So I really want us to be thinking about water governance and water stewardship.

But I would like to know about the $4 billion we've put into water infrastructure over the last few years. How much of that has gone to green infrastructure -- for example, managing water systems through green infrastructure -- do you know?

COMMISSIONER SEGGOS: The splits I don't have offhand.

I will note that that was one of the things that we negotiated right off the bat within the Clean Water Infrastructure Act, was making sure that we could put those
dollars into source protection, because ultimately that can be a lot cheaper than having to do the Superfund work at the end, right, doing cleanups. Or some of the great infrastructure that's extraordinarily expensive when you're filtering water.

So we'll certainly get you the breakdown. I know Senator Krueger has asked for the same, a breakdown of spending. But the number would be significant on watershed protection.

SENATOR MAY: And do we know how many communities still have combined sewer systems? Is that something we are -- that that money is going to address?

COMMISSIONER SEGGOS: That's very much been one of my targets since I took this job. unfortunately it's many communities that have it. Albany has it. I look out on the Hudson River every day. The Albany pool is fed by a number of different sources. They're under a consent order, however, to change that. New York City is under a consent order to change that. You see the Buffalo Sewer Authority
making some significant multi-hundred-million-dollar investments.

Unfortunately the old cities all have it. We're getting resources like we never had to fix it. But the problem isn't fixed yet. We need the sustained funding to do it.

SENATOR MAY: Okay. Thank you so much.

COMMISSIONER SEGGOS: Thanks, Senator.

CHAIRWOMAN KRUEGER: Thank you.

Assemblymember. (Pause.) Assemblymember? Let's see if I can guess who she -- I see Deborah Glick's hand up next, so I'm going to guess it's Deborah Glick.

ASSEMBLYWOMAN GLICK: Yes, thank you. Actually I can read off the chat that I am next up.

Great to see you, Commissioner.

COMMISSIONER SEGGOS: Great to see you as well.

ASSEMBLYWOMAN GLICK: I've got three areas that I'd really like to focus on, so let me give you those three.

COMMISSIONER SEGGOS: Okay.
ASSEMBLYWOMAN GLICK: One is that you're supposed to protect fish and wildlife. And we have a problem with our senior -- our raptors that are at the top of the food chain dying of lead poisoning. And so as you know, we've been concerned about, on state lands, using non-lead ammunition so that in those areas we would not at least be killing our eagles, et cetera.

I'm wondering if there's any plan for EV charging stations at DEC campsites where people may, you know, be there for a week, and I don't know how long the charges hold, et cetera. And that might be something that would be an advantage.

And then there's SCALE, the Survey of Climate Change and Adirondack Lake Ecosystems. That had been funded for a long time. I think -- I'm wondering if it's going to be funded. It's a survey that has provided data on water quality and has been used for years to demonstrate issues around acid rain, and given the AG the ability to
use that data to protect our waters.

And then the last thing is I'm glad there are going to be more Rangers, but I'm wondering about updated equipment and uniforms. I think some of the uniforms are still like cotton. Which, you know, if you're out hiking, you know that's not the best material to be using.

So I'm just wondering about those areas. Thank you.

COMMISSIONER SEGGOS: Thank you.

Great questions. I'll take them in order.

On lead shot, we're looking at that, certainly. There's -- these last two years there's been a scarcity of ammunition for hunting, period. As a hunter, I can say that for certain. But we're looking at the prevalence of lead and whether or not there's an affordable choice out there for the hunter. I know that the lead alternatives can be very expensive, but they've also been unavailable. So we need to look at that very closely.

On EV charging stations at DEC
campsites, when we have a campsite next to a
power line, we do look to -- when we're
making investments in the campsite we do look
to create charging stations. You're seeing
that at Frontier Town and maybe some other
places where we have those plans.

But by and large our campsites are
very rural, they're in the middle of the
wilderness, and it's often not serviced by
power lines, unlike Parks campsites.

On the survey of climate change and
Adirondack lakes and research there, I'd be
happy to follow up with you on that -- I see
we're almost out of time.

On uniforms, I've had a discussion
with my team here actually on that very
point, to make sure that our Rangers have --
and ECOs have the right equipment getting in
the backcountry in all conditions
weather-related. And that's been one of my
priorities. I mentioned that in terms of
retention earlier to Senator Hinchey.

ASSEMBLYWOMAN GLICK: Thanks so much.
COMMISSIONER SEGGOS: Thank you.
CHAIRWOMAN KRUEGER: Thank you.

Back to the Senate, Senator Kaplan.

SENATOR KAPLAN: Thank you, Madam Chair.

Hello, Commissioner Seggos. Good to see you.

COMMISSIONER SEGGOS: Good to see you, Senator.

SENATOR KAPLAN: So I was thrilled to see that the budget includes $943.5 million for clean water infrastructure projects, which most of the money comes from the federal bipartisan infrastructure law. Do you have any additional detail about how this federal funding will go out the door to the localities who are in desperate need of this money? And will this be the same competitive grant process similar to the one we have in state programs like the Water Quality Improvement Project grant funding?

COMMISSIONER SEGGOS: Good question. I have that question as well to the federal government. We expect the funding coming
from the federal government to be channeled through the same means as some of the state revolving loan fund program dollars. However, there are other pots of money that are going for specific needs that have been lined out by the feds.

We had that question, and we expect those dollars to come to the state soon. We're preparing for that and would marry those dollars with the state dollars so that we're putting an even greater amount out the door in this calendar year.

SENIOR KAPLAN: So it will be the same competitive process that --

COMMISSIONER SEGGOS: Likely. Yes, likely.

SENIOR KAPLAN: Okay. So that's important for us to know and let them know. My next question is I'm a big believer that green hydrogen will play a key role in our efforts to decarbonize our power generation -- heating, cooling, transportation and more. For example, there's an innovative new technology being
developed at the State Center of Excellence in Energy that could dramatically reduce the energy required to heat and cool homes. I went and saw it for myself and it was really just amazing.

The technology relies on natural gas or hydrogen or a blend of the two. It's one of many innovative new technologies that utilize green hydrogen as a potentially transformational tool to decarbonize our state.

My first question is, by focusing on electric-only development moving forward, as proposed in the Governor's budget, are we hampering our ability to find other innovative solutions for our climate crisis by focusing on one narrow path forward to the exclusion of others?

And my second to that question is, is the state doing any demonstration projects on technologies like this to see how they can work in real-world applications?

COMMISSIONER SEGGOS: Okay, good questions.
So we are doing quite a bit on green hydrogen. I think as you saw, the Governor's made some significant announcements about that in the State of the State.

And the posture that we're taking, of course, is to hit our climate law obligations. So looking at the electrification angle of, you know, creating the green hydrogen through a stable process but also ensuring that there's no combustion is a very innovative technique that we're confident the market is developing.

In terms of demonstration projects, there are demonstration projects around the state, there are four efforts around the state that the Governor is looking to merge into one effort so that we can compete for some additional federal dollars on that for R&D and development.

I would agree with you, though, it presents lots of opportunity.

CHAIRWOMAN KRUEGER: Thank you. I'm sorry, Basil. I want to learn about this too, but we're not allowed to right now. So
Anna will --

(Laughter; overtalk.)

CHAIRWOMAN KRUEGER: Assembly.

CHAIRWOMAN WEINSTEIN: We're going to move to Assemblywoman Woerner.

COMMISSIONER SEGGOS: Okay.

ASSEMBLYWOMAN WOERNER: Thank you so much. Thank you, Commissioner, for your remarks today.

And gosh, I wish I could continue the conversation about green hydrogen, but I have other things on my mind. So perhaps Anna Kaplan and I can team up on this at a later date.

COMMISSIONER SEGGOS: Okay. Sounds good, yup.

ASSEMBLYWOMAN WOERNER: So, one, thank you so much for your positive comments about the role of anaerobic digesters in our renewable energy approach. I appreciate that greatly.

Second, last year we were successful at adding youth hunting into the mix. And I'm wondering if you could share with us what
the experience has been, number of licenses,
how many people went through the training,
were there any accidents or, God forbid,
fatalities as a result of this.

COMMISSIONER SEGGOS: Anecdotally,
everything I've heard has been very positive.
That the youth hunting season was safe, there
were no incidents in the field, we had an
increase in license sales, we had lots of
happy kids. I had lots of people emailing me
telling me that they'd gone out with their
son or daughter for those very formative
years, 12 and 13. That's really when you
want to get them.

So thank you for helping us to advance
that and to show the state really that this
can be done safely and we can use it as a
tool to keep kids engaged in nature.

ASSEMBLYWOMAN WOERNER: Thank you very
much. I'm glad to hear that that's all very
positive news.

Someone asked earlier about harmful
algal blooms and support for water management
and invasive species in our lakes. And I'm
wondering if in the course of all of this and
the new monies that are coming in to help
with water quality, one of the groups that is
frequently left out of the mix are volunteer
lake associations that step up to manage
invasive species and manage water quality in
our recreational lakes.

And is there anything in the budget
that would help direct monies to these
organizations that are really doing great
work to try and control invasive species but
it's an expensive proposition and one that's
hard to do consistently with volunteer labor
only.

COMMISSIONER SEGGOS: Great question.
And on this, the good news is there's more
money in the budget for water, right, through
a variety of means. And the other good news
is I think we can help lake associations more
effectively compete for those dollars if they
come to us earlier and we're able to help
steer them into the municipalities, right, so
that the municipalities can effectively apply
on their behalf, knowing that many of the
lake associations don't have good funding or expertise, necessarily, but they have the right intent.

So we remain open to helping to steer those conversations in the right way so those really important projects get funded.

ASSEMBLYWOMAN WOERNER: Thank you. If you could -- if in the context of this budget we could more crisply define the role of these volunteer lake associations, I think that would be helpful.

COMMISSIONER SEGGOS: Okay.

ASSEMBLYWOMAN WOERNER: Thank you very much.

COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN WEINSTEIN: To the Senate.

CHAIRWOMAN KRUEGER: Thank you. I believe I'm the closing Senator.

Just quickly, this was brought up in the energy section earlier, but I would like your opinion, Basil.

So the Executive Budget requires new gas hookups be phased out of new construction no later than '27, 2027. But New York City's
new law would ban gas hookups for smaller buildings by the end of 2023. What's wrong with our going to the target of 2023? We obviously wouldn't be doing every building right away. But isn't there a logic to wanting to get this started sooner than later?

COMMISSIONER SEGGOS: So it's a good question. And I heard the exchange this morning. I don't know that we have -- or I have the expertise necessarily to give you an answer that would add anything more than what you already heard this morning on it.

The Governor has made it clear that we want to make our housing stock more sustainable. Right? The largest source of emissions right now is housing. We thought it would have been transportation, but a deeper dive revealed that it was housing. So we want to do everything we can as quickly as we can, to the extent that the housing stock is available and the technology is available and the money is available to do that.

So I'll leave it at that. But
certainly looking forward to a more robust
conversation over the course of the next few
months, with the scoping plan, on this very
point.

CHAIRWOMAN KRUEGER: Also, clock
keeper, I was only getting three minutes --
oh, I actually would get 10 minutes. Nope,
ever mind, but I'm not going to use it. I'm
just going to ask one more question of
Commissioner Seggos.

So plastics, Styrofoam. We've been
doing a lot of outlawing of it, but I keep
reading data that we're not actually getting
better. Do you have data on what parts of
the state this is working in better than
others, and why, and what more we can do?

COMMISSIONER SEGGOS: Well, again, we
only have a few weeks worth of work on this,
right. We banned Styrofoam and have not yet
gotten enough visibility into how successful
the program has been thus far. We expect it
has been, but we are looking at input from
actors around the state who can let us know
how covered entities are in compliance.
I couldn't tell you, unlike plastic bags -- I can tell you with plastic bags I have anecdotally just seen less of them blowing around the street. It's perhaps early to talk about whether or not we're seeing less Styrofoam cups blowing around the street.

But, you know, we're in this education phase and we want to make sure that, one, when we're really rolling that there's a significant amount of enforcement going on if there is noncompliance.

CHAIRWOMAN KRUEGER: Thank you. I'm going to give back my time.

But Assemblywoman, I have seen another Senator, so keep going with your next Assemblymember.

CHAIRWOMAN WEINSTEIN: Okay. So Assemblyman Otis is next.

ASSEMBLYMAN OTIS: Thank you, Commissioner. I want to thank you, after Ida, how great DEC staff has been in terms of some of the flood issues that we have in Westchester. Your folks have been hands-on
and really trying to get us to a better place before we have the next storm. So kudos to your deputies and your regional director.

COMMISSIONER SEGGOS: Thank you. I'll let them know.

ASSEMBLYMAN OTIS: Absolutely.

On the flooding issue, one of the things that was revealed in Ida was how weak many of our municipal stormwater systems are. And we do have a stormwater category in the bond act. And I look forward with DEC to find ways that we can grow the financial commitment towards giving municipalities assistance on stormwater funding, because this is really one of the failures that was revealed in Ida, is how vulnerable we are in these larger storm events. So that would be of great help.

You have played a key role working with -- on the Climate Action Task Force, and we have the draft recommendations. And we have within the Legislature many proposals -- some of them sort of conflict with each other. There still needs to be a
rationalization of where we're going for the
next step of our climate change policies.

Could you share any thoughts of how
you think the next few months should go in
terms of those discussions and the role that
DEC will play to resolve some of those issues
and get us to the next stage?

COMMISSIONER SEGGOS: Great -- great
question. We've tried very hard to herd
cats, and it really almost has been that,
right, with the 22-member Climate Action
Council. Doreen and I cochair it. We've got
representation from many other state agency
commissioners as well as experts from the
field, and then we've had really I think 120
different experts outside.

So now we have a 300-plus page
document full of recommendations that will
help bring us to our climate targets, 2030,
2050. And we do have to reconcile all of the
recommendations. Obviously it doesn't need
to be said -- but I think you know it --
these are preliminary recommendations.

Right?
We are sending a set of recommendations out to the community that -- to the state that we believe would help us hit those targets, but we need to hear, first and foremost, from the public, we need to take it to the public and share the thoughts with them. And then to the extent that any of those programs are to become regulation or law, that would then trigger another public process.

And all the while with the Climate Action Council continuously harmonizing it with other programs so that we're pulling everything in the same direction and ensuring that no other -- no community is being left behind.

ASSEMBLYMAN OTIS: Thank you, Commissioner. Thank you for your good work on many fronts.

COMMISSIONER SEGGOS: Thank you, Assemblyman.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.
I see that Senator Palumbo had raised his hand late in the game.

SENATOR PALUMBO: Thank you, Madam Chair.

Commissioner, good to see you again.

COMMISSIONER SEGGOS: Likewise, Senator.

SENATOR PALUMBO: You don't even look cold, in 10 degrees like you were last week. So I'll move nice and quick. I just have really two areas of discussion, please, regarding the law enforcement side. I know there have been some staffing stresses in Region 2, and maybe even some recruitment issues for downstate. So my question is, are there any policies that you're implementing to help increase staffing, possibly, as a result of those vacancies?

COMMISSIONER SEGGOS: Yes, good question. So on the law enforcement front, we are holding an academy soon that will help to fill our ranks and slightly increase our
numbers. My hope is that I can come back to
you next year with another academy planned.
So that's good on the academy side.

In terms of the -- on the retention
side, and where we dedicate our officers, we
do have a new -- a director of law
enforcement. One of her -- the first woman
in the job to have this job, which is great.
one of her missions is to focus our work very
significantly in urban areas, and that of
course means New York City. Not to the
detriment of any of our hunting and fishing
obligations upstate, or any of our pollution
enforcement upstate, but there are 8
million-plus people down in the New York City
area and a significant need for us to be
present.

So -- and that, by the way, will help
us with retention, right, if we are more
present where the people are, demonstrating
the great services that our agency does, I am
confident that is going to generate enormous
interest in folks joining this agency, and
especially increasing our diversity within
our police forces.

So it's very much underway right now.

Hopefully -- I hope to have something more positive to report out by summer.

SENATOR PALUMBO: Wonderful, that's great to hear. Thank you.

The other one, on the renewables side. There's a very large project proposed in Senate District 1, offshore wind. I've heard concerns regarding pollution as far as disruption of the seabed, and ensuring wildlife, and fishermen, the commercial fishing industry have concerns.

So do you have any comments in that regard, any proposed mitigation that we could I guess publicly discuss and address in 45 seconds?

COMMISSIONER SEGGOS: Okay. Good question. It's certainly top of my mind. We are an active partner of NYSEDARDA on this, and we have been really since the federal government started looking at this back in 2014 and, you know, deciding what these areas would be and how to protect species, how to
protect the commercial fishing industry, the
recreational industry.

So it's very much on my mind, and
we'll continue to be monitoring as to -- to
the extent there's any construction in state
waters, we'll be monitoring any of the
impacts and suggesting adjustments as needed.
I'm confident that NYSPERDA understands that,
that our partners at the Department of State
understand it, and that ultimately, you know,
we're generating a robust industry that
responds responsibly when they do this
construction.

SENATOR PALUMBO: Wonderful. Thank
you, Commissioner.

COMMISSIONER SEGGOS: Thank you,
Senator.

CHAIRWOMAN WEINSTEIN: So we are going
to Assemblyman Burdick. I believe the Senate
is all finished, so we're going to go through
a number of Assemblymembers now.

Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you,
Chair Weinstein.
And thank you, Commissioner, for the good work that you and your staff do.

COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN BURDICK: I commend the Governor and your department for including the Article 7 on wetlands, so important to clean water and flood control. And obviously we've discussed how the state makes a great investment in clean water and dealing with floods, and so the health of the wetlands is critical to us.

I'm concerned about wetlands throughout the state, including in my district, and at present localities are preempted from regulating herbicides and pesticides in wetlands. I've had initial conversations with your staff about crafting changes that would comply with federal law, and I just ask that you please talk with your staff about that and would consider being open to considering changes in it through perhaps a 30-day amendment.

COMMISSIONER SEGGOS: Okay, I certainly will follow up with my staff on
that.

ASSEMBLYMAN BURDICK: Appreciate that.

COMMISSIONER SEGGOS: Absolutely.

ASSEMBLYMAN BURDICK: And I also understand from Senator Schumer that the Infrastructure Act includes funds for wastewater treatment, and clearly not all of those federal funds have made their way to the state yet. And I know that you show in your budget $650 million for water quality improvement project funding. Do you see the possibility of that level increasing as fed funds are released?

And also same question mid-budget with respect to the bond act.

COMMISSIONER SEGGOS: Certainly yes on the federal side. We expect to receive federal funds this fiscal year, possibly even the fiscal year that we're currently in, and would look to augment any of the projects we do in the field with those federal dollars. So that would be certainly a net benefit for New York State.

ASSEMBLYMAN BURDICK: That's great.
I also wanted to endorse Steve Otis's request for focus on addressing stormwater systems. He and I have adjoining districts, and floodwater -- I mean stormwater systems.

Earlier today I'd asked NYSERDA's President Harris whether they collaborate with other state agencies to set CLCPA goals and who follows through, and she replied that, Well, every agency has got CLCPA obligations. My concern is, who's in charge of the overall? Who makes sure that all of the agencies are doing everything that they ought to be doing to address climate change and the crisis?

And could you address that, because I'm concerned about an overall approach and coordination.

COMMISSIONER SEGGOS: Thank you for asking that.

Well, obviously the Governor is in charge of all the state agencies, and we're all pulling in the same direction. I think one thing that -- one great positive that has come out of the Climate Action Council
process is giving the expectation to multiple state commissioners to be a part of this process over the last two years. That's brought climate thinking into all of the major state agencies now, and it's helped to coordinate our thinking quite a bit better than ever before.

So we have a real opportunity, I would agree, to ensure that we're hitting our carbon reduction targets. But in the process, you know, making government more accountable and making the state ultimately more sustainable. So that's something I have no doubt will continue over the course of the next year during this public comment period.

CHAIRWOMAN WEINSTEIN: Thank you. Now we send it back to the Senate.

ASSEMBLYMAN OTIS: Thank you very much. Appreciate it.

COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

We had another Senator pop up,

Senator John Liu.

SENATOR LIU: Thank you, Madam Chair,
for allowing me to pop up.

And great to see you, commissioner. I do echo the sentiments of some of my colleagues about your performance in difficult times, and also your dedicated staff.

COMMISSIONER SEGGOS: Thank you.

SENATOR LIU: Just a couple of questions I have, and you can give me short answers on these.

COMMISSIONER SEGGOS: Okay.

SENATOR LIU: One is you've already been asked a lot about Superstorm Ida and the aftermath. We have, in my area in Queens -- unfortunately, we have had people drown in their own homes, which is the most horrific thing anybody could imagine. There are families whose homes are, for all intents and purposes, uninhabitable because of the -- not only what happened with Ida, but the constant threat of rainstorms and floods. And they don't even live anywhere near the coast.

So one thing that's been talked about is buying out some of these families. Does
the DEC have any kind of analysis or position on potential buyouts of individual homes by the state?

COMMISSIONER SEGGOS: Good question.

We were successful, after Superstorm Sandy, in doing that on Staten Island, where we recognized a real need. And my understanding of the some of the language of the bond act is that it does acknowledge the need for buyouts in certain areas, so that we would look forward to focusing on some of your problems in your district.

Because there's no doubt about it, that was a horrible situation with that basement flooding that had gone on.

SENATOR LIU: All right, thank you. Yeah, there are a number of homes that -- you know, it's -- it seems like a large taxpayer expense, but we have to balance that against the continuing taxpayer expense of having to continually remediate these areas with physical infrastructure. Those are costly items as well.

I have a proposal to ban gas-powered
lawn equipment, including leaf blowers. Has the DEC done anything with regard to gas-powered leaf blowers and potentially curtailing the use of such?

COMMISSIONER SEGGOS: I'd have to check with my staff to see what kind of data we have. We know that that's become an issue statewide with the prevalence of gas-powered equipment, particularly in urban areas and densely populated suburban areas.

So we'd love to work with you on that. I've been approached by some stakeholders about it as well who have been echoing some concerns about that and the impact of those emissions as well as the noise. And why don't we take that offline and have a conversation about it?

SENATOR LIU: Okay.

And my last question has to do with New York City's performance in storm drainage. The city has installed a large number of what they call rainwater gardens or -- they've called them different things in different -- during different times. But
they are essentially catch basins that are
minigardens where the soil is permeable by
rainwater.

Does this -- has the DEC looked at how
well the city has performed with regard to
removing this rainwater runoff?

COMMISSIONER SEGGO: We do look at it
regularly as part of a consent order,
actually, is for them to do some grade
infrastructure around the city, not just that
traditional end-of-pipe infrastructure.

I see that we're out of time, but we
can brief you on our analysis of that. And
my impression, just in short, is that it has
been mostly successful at redirecting some of
those waters away from storm sewers and into
green spaces.

CHAIRWOMAN KRUEGER: Thank you.

SENATOR LIU: Thank you.

CHAIRWOMAN KRUEGER: And I'm sure
John Liu would like a follow-up with you.

COMMISSIONER SEGGO: We'll do that.

SENATOR LIU: (Inaudible.)

CHAIRWOMAN KRUEGER: The Senate is now
closing down, Helene, so to the Assembly.

CHAIRWOMAN WEINSTEIN:  Okay.  So I see

that our chair of Tourism, Daniel O'Donnell,

has joined us.

But we go to Assemblyman Epstein for

three minutes.

ASSEMBLYMAN EPSTEIN:  Thank you.

Thank you, Helene.

And Commissioner, always good to see

you.

COMMISSIONER SEGGOS:  Good to see you

as well.

ASSEMBLYMAN EPSTEIN:  Since in my
district, Stuy Town, they're trying to put in

two CHP plants.  We've raised concerns around

this for the past year and a half.  I want a

commitment that before anything moves

forward, that we can talk about the CLCPA
goals and concerns that we have on that

plant.

COMMISSIONER SEGGOS:  Absolutely.

You've got my promise on that.  And I've

requested that information, actually, from

the company as well.
ASSEMBLYMAN EPSTEIN: Thank you very much.

And so I just wanted to follow up on Chair Englebright's comments around the money in the EPF for charging. I know you said you'd talk to us more. I think this is a critical place where we can get real resources, so I'm glad to hear that.

But really following up, I want to know why -- I hope that we get a commitment from you and the state to only buy EV or hydrogen or, you know, renewable vehicles. Why are we not committing to doing that now, and why are we waiting to continue to buy non-renewable cars or trucks or whatever's in the market?

COMMISSIONER SEGGOS: For the state fleets, right?

ASSEMBLYMAN EPSTEIN: For the state fleet. Like I understand with the private market we've got to give people time. But for the state fleet, why not tomorrow or when we buy cars next year? Because we're going to have to buy cars every year. Let's just
make them all, you know, EV.

COMMISSIONER SEGGOS: Right. I know the Governor has made a commitment for that in the budget, that by a date certain, I believe by 2035, there will be no light-duty vehicles, at least, being driven that are gas-powered.

We want to accelerate that as much as possible. We have that underway at DEC, and I know OGS does as well.

ASSEMBLYMAN EPSTEIN: Why can't we commit right now to say every future purchase of light vehicles will only be EV? Why not just do that now? And then over 10 years we can transition.

COMMISSIONER SEGGOS: Well, it's a fine goal. I'd need to make sure it was attainable. As an EV owner myself, I've become very comfortable driving it long distances, and I no longer have that so-called range anxiety. So perhaps my own experience can help inform how we manage that program here in New York.

ASSEMBLYMAN EPSTEIN: Well, I hope we
could continue this conversation, because I think we can't wait 10 years. I think we've got to move now.

COMMISSIONER SEGGOS: Okay. No, I'd love to. Let's keep talking about it.

ASSEMBLYMAN EPSTEIN: Two things. Just on the bags, we still see places in New York City where they're still just giving away these plastic bags. What are you doing to stop that?

COMMISSIONER SEGGOS: Well, we're enforcing. We have about a million businesses around the state that are covered by the law. We've gotten about 800 complaints about noncompliance, which is a pretty good rate, you know. We both see on our own, and we take some of that out from public reporting.

Nonetheless, you know, we jump in when we see a problem. We've assessed fines. We've got several businesses under consent order. And some of them just refuse to comply, so it just is an unfortunate situation where our enforcement starts
picking up.

ASSEMBLYMAN EPSTEIN: So you know I'm almost out of time, but just on solid waste management, I really think we've got to push. You know, the digesters are great, but we need composting, we need a mandatory composting system. I hope we can continue to talk about composting --

CHAIRWOMAN WEINSTEIN: You are actually out of time.

ASSEMBLYMAN EPSTEIN: Thank you, Chair, I'm out of time.

CHAIRWOMAN WEINSTEIN: So we will move on to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Thank you so much. I second everything my colleague Harvey Epstein just said, and I run into speed-dating mode.

Hello, Commissioner, great to see you.

COMMISSIONER SEGGOS: Great to see you.

ASSEMBLYWOMAN KELLES: Absolutely.

So five questions. Let's see how much we can get in.
One, we've spoken regularly about the concerns of the rapidly increasing cryptocurrency mining industry. And given the lack of any intervention to date, we're expecting about 1.6 gigawatts to be up and running by the end of this year, with much of it being on the grid, which means that it will increase our baseload.

And so I'm wondering if you could just give any input on whether you think that this can continue and reach our climate goals, that we can put in enough renewable energy, and any suggestions of the path forward over the next year while this is happening.

COMMISSIONER SEGGOS: Well, I certainly share your concerns. I've said that publicly in regards to the Greenidge Plant and its potential implications regarding our climate law. And of course you look at other applications that also use the proof of work, it is -- presents real questions for emissions as well as our ability to hit those targets.

So we are thinking about that. We're
talking regularly with our partners in
government, various state agencies that all
have a hook on this. DEC's jurisdiction is
relatively limited, as you know --

ASSEMBLYWOMAN KELLES: Yup.

COMMISSIONER SEGGOS: But we recognize
the problem with this nascent and expanding
industry. Certainly recognize also that on
the business side it can provide some
significant job growth in the state.

But my concern is for climate
emissions and ensuring that we have a
responsible energy generation system.

ASSEMBLYWOMAN KELLES: Right. So I'm
not sure I agree with the job creation on
that point, but we can talk about that
afterwards.

COMMISSIONER SEGGOS: No, on the
business side, not on the -- at the mining
side, right.

ASSEMBLYWOMAN KELLES: Absolutely.
And then just jumping to HABs really quickly,
we've seen actually a doubling of HABs in our
area and doubling of the duration. You had
mentioned investments. Can you just point out where in the budget and how much is invested each year on HABs to do prevention work?

COMMISSIONER SEGGOS: Sure, good question.

Since 2019 we've put about $220 million into HABs prevention. And that involves addressing some of the root causes of HABs in significant watersheds where you see them. So it is very much part of where we're going with our EPF dollars and also the bond act dollars.

ASSEMBLYWOMAN KELLES: Wonderful.

Thank you.

And just really quickly, earlier you noted that 53 percent or 63 percent of water infrastructure funds have benefited EJ communities. This is the first time I'm hearing about it. Can you clarify that this is referring to grant funding --

COMMISSIONER SEGGOS: Yes.

ASSEMBLYWOMAN KELLES: -- from the Clean Water Infrastructure Act?
And secondly, could you commit to provide a breakdown on how much funding has been awarded by each of the dozen programs funded through the Clean Water Infrastructure Act? We haven't gotten any input from that since it was established in 2017.

COMMISSIONER SEGGOS: Yes. So the number I put out earlier, 53 percent, that's out of the WQ Act as an example, out of the WQIP grants that we just put out. That's actually EPF-funded. Last year 145.6 million went to EJ communities out of a total of 272.4. So that's 53 percent.

And I haven't done the math yet on the Clean Water Infrastructure Act. We can absolutely do that breakdown and get it to you.

CHAIRWOMAN WEINSTEIN: Thank you. We move on to Assemblyman Tague.

ASSEMBLYWOMAN KELLES: Thank you.

COMMISSIONER SEGGOS: Thanks.

ASSEMBLYMAN TAGE: Good afternoon, Commissioner.

COMMISSIONER SEGGOS: Good afternoon,
Assemblyman.

ASSEMBLYMAN TAGUE: It's always a pleasure to speak to you.

COMMISSIONER SEGGOS: Likewise.

ASSEMBLYMAN TAGUE: I'm going to take it easy on you today, sir. I'm actually going to just throw some plugs out there.

I'm going to remind you of what Senator Hinchey said earlier -- as you know, her and I share much of the Catskill area -- Forest Rangers, Forest Rangers, Forest Rangers. Especially during the pandemic, we had much more people visiting the Catskills and we did have a couple of instances where your good Forest Rangers saved some lives.

COMMISSIONER SEGGOS: Yes, you did.

ASSEMBLYMAN TAGUE: So we're going to continue to beat the drum.

The other thing, I just want to throw a plug out there too to keep in mind -- I know there's legislation that Senator Hinchey has in the Senate and Assemblywoman Aileen Gunther has in the Assembly that would give us a full-time coordinator at the Catskill
Center. I think that's very big for our area.

And, you know, every year we have this discussion. I just want to remind you of all the good work that your folks in construction have done throughout the state, but mainly in my district in the Catskills and Kaaterskill Falls. I'm hoping that we're continuing to fund maintenance in our budget for all these great projects that your folks have completed.

And then one other last thing I just want to keep in mind. You know, regardless of what happens with electric vehicles and the CLCPA, we still have to have infrastructure in our state and we still have to have good, safe roads and bridges. And it's been very, very tough in the State of New York to permit material-producing plants, whether it be asphalt, concrete or aggregates.

I want to just remind everybody that these are necessity products. And if we're going to keep up with the rest of the country
with infrastructure, we need to keep in mind that it's very, very hard for these people to permit. And it's also very hard for them sometimes to move their operations forward and to keep up. I think that the industry itself has done a good job keeping up with the environmental changes that have happened throughout the state, but we must keep in mind that without them, our infrastructure is going to go backwards.

So with that, Commissioner, I would like to hopefully get our 15-minute time together like we usually have just to go through district stuff -- I know at your convenience, you're busy. I appreciate everything that you and your staff do, and it was a pleasure talking to you today. Thank you, sir.

COMMISSIONER SEGGOS: Likewise, sir. I take your words to heart, and let's make it 30 minutes or more.

ASSEMBLYMAN TAGUE: Thank you. Thank you, Commissioner.

CHAIRWOMAN WEINSTEIN: Thank you, and
we'll go to Assemblywoman Hyndman.

(Pause.) Alicia, are you here? While we -- let's see. I think -- Alicia? Okay, here you are.

ASSEMBLYWOMAN HYNDMAN: I'm sorry, I'm here. I'm here.

CHAIRWOMAN WEINSTEIN: Okay, you're on.

ASSEMBLYWOMAN HYNDMAN: I'm sorry about that.

I would just -- hello, Commissioner.

COMMISSIONER SEGGOS: Hello, Assemblywoman.

(Overtalk.)

ASSEMBLYWOMAN HYNDMAN: -- to lighten up the mood.

I -- to double back on what Senator John Liu was talking about, I also represent
the community that was affected by Hurricane Ida. And so I know now that there's a lot of
groundwater issues that Chair Englebright knows very well that are in Southern Queens.

COMMISSIONER SEGGOS: Mm-hmm. Yes.

ASSEMBLYWOMAN HYNDMAN: And we found
out that those homes historically have been built over a pond. Therefore, the damage that has been sustained by these homes -- you just -- you should see, the walls are caving in on foundations of these homes.

So I would really like to just highlight that the Executive Budget's proposal for $400 million is not just -- it's water you can see and it's the groundwater levels that are increasing tremendously and need to be monitored. So I will also be sending a report from the USGS about the groundwater issues that are constantly occurring and getting worse in Southern Queens. That was the first comment.

COMMISSIONER SEGGOS: Be happy to look at that.

ASSEMBLYWOMAN HYNDMAN: Yup, absolutely.

And the second thing is one of the bullets of the Climate Action Council is the Advanced Clean Truck Rule, obviously. And I would like to know your views on moving cargo and so forth by rail and/or water because of
existing rail lines that we have. I happen
to have a district that has two major
facilities for waste transfer stations. We
are trying to motivate the use of rail
instead of trucks, because it will take a
while before all these trucks that are
transporting can go to electric, but in the
meantime we have the ability to use rail.

And, you know, we are a coastal state,
and using water, looking at those avenues of
moving cargo around the State of New York --
and I didn't see anything of that in the
scoping plan. So I wondered if that had been
discussed at all.

COMMISSIONER SEGGOS: Great question.
We actually have discussed that quite a bit,
the preference for anything but trucking.
Right? You can make the trucks cleaner,
which is good, but ultimately getting --
reducing the amount of waste, if it's a waste
issue, or moving product by rail can be far
more efficient.

So it's really an all-of-the-above.
Love to understand, you know, what issues are
confronting the district in terms of rail to see what we can do to build that thinking a bit more effectively into the scoping plan. That is a positive goal.

Mind you, you know, we are somewhat limited in how we are able to regulate rail. It is a very strongly federally regulated method of transport. But that doesn't mean we can't conceive of better interconnections and incentivize that kind of movement.

ASSEMBLYWOMAN HYNDMAN: Okay. I look forward to discussing that with you.

Thank you, Chair Weinstein.

COMMISSIONER SEGGOS: Okay, we'll reach out to you. Thank you.

ASSEMBLYWOMAN HYNDMAN: Thank you.

CHAIRWOMAN WEINSTEIN: We go next to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes, good evening, Commissioner.

COMMISSIONER SEGGOS: Good evening.

ASSEMBLYMAN PALMESANO: A couple of comments, and then I'll have my question.
said to President Harris this morning
relative to the scoping plan comment period.
I firmly believe we need to extend that
period beyond 120 days. That's not enough
time to deal with this, given the
far-reaching impact this is going to have on
our whole state in the transition to this
energy system. So we need more time -- I
would say a year if not nine months minimum.

The other thing I wanted to talk about
briefly -- and hopefully you can comment back
at another time -- I think the CAC should be
talking about this, because there's a lot of
talk about electric vehicles, celebrating how
we need to get more electric vehicles on the
road.

But understanding that, this mining
for these rare-earth materials has an
environmental and a human impact. A number
of people are talking about having electric
cars, but there's a good chance that electric
car you have has cobalt in it, and there's a
good chance that, since 70 percent of the
cobalt comes from the Republic of Congo, that
car you're driving was made by child labor
and that those kids are dying over there,
they're being maimed. There's no -- with
mining collapses there's no checks, there's
lawsuits on that.

I think that's something that we have
a responsibility to, you know, talk about.
We talk about economic and climate justice
for these disadvantaged communities. These
people are being exploited, these kids. And
it's just another reminder that -- and
especially with water contamination as
well -- that green is not always green. So
we need to keep that in consideration as we
move forward. So I'd like to have your
comments down the road, maybe something in
writing from the CAC.

What I did want to ask you a question
on specifically was on reliability. I know
there's a clause in the CLCPA that says if
reliability is questioned, then you could put
the brakes on a pump. And I think you really
need to start taking a look at that. I know
we cannot sacrifice reliability just to say
we're green. I mean, I think from what I'm seeing from the CAC is that you're willing to sacrifice affordability and cost to pump (unintelligible), but we can't do it with reliability.

And certainly the NYISO -- which is responsible for making sure the grid, our energy supply is reliable, so the lights stay on, so the heat stays on -- came out with a report showing that we're not going to meet -- we don't have enough supply, where the plan shows a gap of 15 to 25 gigawatts of electricity production by 2040 -- that's 10 percent of our state's electricity needs, according to the NYISO. And this gap is enough to power every home in the state and is equal to 10 hydroelectric or nuclear power plants.

How are you going to address the reliability problems -- which have been pointed out time and time again -- with going green and not having that reliability factor? This is a critical issue and it needs to be addressed.
COMMISSIONER SEGGOS: Thank you for raising that. I know you had a robust discussion about that this morning. And we certainly, as when we are involved in any permitting decisions that involve peakers, for example -- I mean, our first conversations are with NYISO, NDPS, to ensure that our permit decisions take that into account. That will be how we operate under the CLCPA as well.

And to the extent any of those recommendations involve changing the way we do business, and I think they will, we would take reliability very firmly into account.

So I look forward to engaging with you on the other points you've raised, certainly, about the impacts of extractive mining in other parts of the world. Of course I think about that every time I get in my EV and every time I pick up my cellphone. There are costs to what we demand.

And by the same token, you know, the extractive industries of oil and gas mining around the world produce enormous problems
and have, in the course of the last few months, even tied up shipping in the Port of Los Angeles with spills and whatnot.

So it's -- all of the energy extraction techniques have costs, and we have to be honest with ourselves about the best ways in which to incentivize the energy production of the future. And I think, not to spend too much time on EPR, but if we can better recycle the products we use within our batteries, our EV batteries, when they're rechargeable batteries, we prolong the life of those elements here in the state. And that's exactly what we're trying to get at with EPR.

We can absolutely have a conversation; I'll reach out to you and your staff and set something up soon.

ASSEMBLYMAN PALMESANO: Thank you.

COMMISSIONER SEGGOs: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

We move on to Assemblyman Brown.

ASSEMBLYMAN BROWN: Thank you,

Madam Chair.
Good evening, Commissioner. It's nice to speak with you.

COMMISSIONER SEGGOS: Good evening.

Good to see you.

ASSEMBLYMAN BROWN: So my two main areas I want to talk about are water quality and solid waste.

So my district is a coastal community, the Northport area of the North Shore of Long Island. And I'm curious in terms of the bond act and whether or not that money could be used for stormwater, storm hardening, and also dredging. We have a problem in Northport Harbor -- it hasn't been dredged since 1965. And I've been working on getting a dredge permit that actually I just sent out to Region 2 for approval, along with the environmental consultant, last week.

So that's my first question.

COMMISSIONER SEGGOS: So I think the answer to that is going to be probably. The bond act, to the extent that the categories remain intact -- which the Governor hopes that they will -- includes several funding
lines for just those types of things,
stormwater as well as shoreline protection
generally.

So we look forward to learning more
about the problems in your district and
helping that inform our project list for
sure.

ASSEMBLYMAN BROWN: All right. If I
can follow up with you about fast-tracking
that dredge permit. Because everybody else
is ready to go -- the county, the feds. It's
just the town is the one that's lagging
behind.

COMMISSIONER SEGGOS: Okay.

ASSEMBLYMAN BROWN: A question about
the New York-Connecticut Long Island Sound
Task Force. I was a member of Save the Sound
before I was an Assemblyman. And, you know,
what can we do more for wastewater treatment,
you know, between Connecticut and New York to
clean up the quality of portions of the
sound?

COMMISSIONER SEGGOS: Well, you know
the sound if you were on Save the Sound, so
you know its issues. Can certainly pay some
respect to the amazing progress we've made
over the last 30 years on the sound, where
the large -- the inner portion of the sound
has made some significant improvements from a
water quality perspective and now we're
looking at the embayments as really the
source of problems.

We work well with Connecticut. We
work well with EPA Regions 2 and 1 to ensure
that we're all coordinating in the right way
to do upgrades. And I think, you know, you
see the Governor's commitment to water
quality in this budget.

It won't help on the Connecticut side,
but I can tell you on the New York side that
the lingering problems we have with
infrastructure in Long Island Sound can be a
target of action under the bond act and the
Clean Water Infrastructure Act monies.

ASSEMBLYMAN BROWN: Great.

And I have like 30 seconds to ask my
last question, about EPR. Why does EPR
legislation in the budget make the
manufacturer the first entity responsible instead of the end user? And how can we beef up the EPR to actually, you know, do what it needs to do?

COMMISSIONER SEGGOS: Good question.

So really the heart of the EPR is shifting the burden to the manufacturer to reduce the end costs on the businesses or the municipalities or the taxpayer. That's typically where we are right now, which is the end of the pipe, fixing problems that could have been solved had the products been designed differently.

So that's what EPR is designed to do, put those -- put the onus up front so that ultimately the costs are much less and in the long run we have just less waste being produced.

We can happily talk again. If we're talking more about the dredge permit, we can have a conversation about EPR as well.

ASSEMBLYMAN BROWN: I would love that. I'll reach out to your office. Thank you so much.
COMMISSIONER SEGGOS: Please do.
Thank you.
CHAIRWOMAN WEINSTEIN: We move on to Assemblyman Walczyk.
ASSEMBLYMAN WALCZYK: Well, good evening, Commissioner. Wonderful to see you.
COMMISSIONER SEGGOS: Good to see you as well.
ASSEMBLYMAN WALCZYK: Thanks for your continued service to our state and nation.
COMMISSIONER SEGGOS: You as well.
ASSEMBLYMAN WALCZYK: We're glad to have you.
A couple of quick questions. Timber construction. Is timber construction considered by New York State carbon sequestration?
COMMISSIONER SEGGOS: Yeah, it certainly should be. Mass timber construction is a vibrant field to the future of those buildings. That type of construction can sequester an enormous amount of carbon. We have so much research going on at SUNY ESF on that front.
ASSEMBLYMAN WALCZYK: Is the CLCPA or this budget or bond act or anything doing anything to incentivize timber construction or disincentivize, you know, concrete high-rise construction, which would be very carbon dirty, for example?

COMMISSIONER SEGGOS: Yeah, I certainly know that the mass timber has come up in the context of the CLCPA in all of our working groups and panels. So we're looking at that in terms of how we can program some investments for the future.

And any construction that we're doing through any funding source in the State Budget -- you know, you see some of that happening in the SUNY system, a very exciting amount of development with mass timber. You see private industry happening using some of those techniques. So to the extent that we can help, we will.

ASSEMBLYMAN WALCZYK: And the -- I mean, the State of New York obviously we probably are the biggest forest owner at this point. How does that factor in for good
forest management practices?

And as we're shifting to the Environmental Bond Act and the open space and preservation plan there, are we going to lock more woods into -- I mean, I just saw the oldest tree in the Adirondacks, you know, fell to the ground and its carbon will go back into the atmosphere, largely, instead of being used for timber construction. And that's what "Forever Wild" means, right?

Are we in our future goals going to lock more of that carbon into our buildings through timber construction or good forest management practices?

COMMISSIONER SEGGOS: Well, I'd say that we have a very good balance envisioned, currently and envisioned, for our management of the state's forests. Right?

We have wilderness areas in the Adirondacks, the Catskills that are permanently set aside and Forever Wild. And then there are a significant amount of easement lands within those parks and state forests outside the parks that are
appropriate for certain types of harvesting.

We do have a robust logging and timber industry in New York State, especially in the Southern Tier, and I can tell you that we're proud of what we've done with our state forest contracts and the way we've managed those in terms of sustainable forestry, as well as ensuring the landscape is not impacted. It's been a top priority of ours over the last few years.

ASSEMBLYMAN WALCZYK: Well, I've got many more questions, but I know that the chair doesn't like when I ask one right at the end, so I'll yield back the last few seconds of my time.

COMMISSIONER SEGGOS: You know where to find me if you need me.

ASSEMBLYMAN WALCZYK: Thanks, Commissioner.

COMMISSIONER SEGGOS: Thanks.

CHAIRWOMAN WEINSTEIN: Thank you.

Earlier we were joined by Assemblywoman Rosenthal -- I think she may have been here earlier, actually; Assemblyman
Chairwoman. Sorry for the delay; I didn't realize there was a cutoff for the various houses.

But Commissioner, good evening. Thanks for being with us today.

COMMISSIONER SEGGO: Good to see you, Senator.

SENATOR O'MARA: I want to thank you for the outstanding work of you and your department for the Tropical Storm Fred flooding in Steuben County late this summer.

COMMISSIONER SEGGO: That was devastating.

SENATOR O'MARA: Devastating, and we
were very disappointed that FEMA denied the
individual assistance, and we're still
working on the Governor to get something
going for that. So hopefully I can count on
your support for at least talking about it
with the Governor, since you were there
firsthand and witnessed the devastation. But
you guys did a great job there.

COMMISSIONER SEGGOS: Thank you, Senator.

SENATOR O'MARA: The question I have, a lot of people have been talking about wood
stoves, fireplaces. And Part EEE of the
budget says that in five years, to the
fullest extent feasible, the code shall
require new construction statewide to have
zero on-site greenhouse gas emissions.
Are you saying -- is this actually
saying that in 2027 you're not going to be
able to build a home with a fireplace in
it --

COMMISSIONER SEGGOS: No.

SENATOR O'MARA: -- or a wood stove?

COMMISSIONER SEGGOS: No, I'm proud to
say that that's not the case. We are not
targeting wood-burning emissions, and we
expect that to be part of the state's heating
picture as long as people might want to make
that decision.

Really what we're doing, through the
Climate Action Council, is attempting to
bring that choice to the homeowner. To the
extent that heat pumps, for example, become
effective and people want to make that
investment, that they can do so and help to
augment some of their own expenses in regards
to heating.

But categorically I must be clear: We
are not banning the burning of wood, as I've
said on social media and to many newspaper
outlets in the last few weeks.

SENATOR O'MARA: Well, I'm glad to
hear you say it here again, then. It helps
me answer a lot of questions from certainly
my more rural constituents.

But with regards to new construction
or reconstruction of facilities that are
remote in the state that -- really remote,
don't have electricity -- are they going to be banned from propane or fuel oil going forward? Are they going to be restricted to wood?

COMMISSIONER SEGGOS: No, I don't see that being the case, Senator. Of course as we round out the state's energy options and shift to a renewable economy, we need to take into account the difficulties of heating and powering some of the more remote facilities. And of course that will be part of the calculus that we all take into account in putting these policies together.

SENATOR O'MARA: Thank you.

One last question or comment. I've heard some speculation that the EPA emissions numbers that are coming out in a few weeks are going to show that New York's emissions are increasing rather than decreasing. In significant part, I think it's being speculated, due to the closure of Indian Point and the lack of New York approving lower emissions, cleaner facilities from going online to meet our demands.
Do you have any insight on why those numbers are going the wrong way with the EPA, or if that's not the case?

COMMISSIONER SEGGOS: I don't have insight into the EPA numbers. Certainly as they're developed and put out there, I'll have to review them and take that into account.

I know that emissions have gone up nationwide the last few years. Notwithstanding the pandemic and the economic slowdown, we did see an increase in emissions. And it is concerning. We'll have to look at the data and spend quite a bit of time interpreting what that means.

SENATOR O'MARA: Thank you very much, Commissioner.

COMMISSIONER SEGGOS: Thank you, Senator. Good to see you.

SENATOR O'MARA: I am done, Chairwoman. Thank you.

COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Back to the Assembly.
CHAIRWOMAN WEINSTEIN: Now we'll go to Assemblyman Simpson.

ASSEMBLYMAN SIMPSON: Thank you, Chair Weinstein.

Good to see you, Commissioner.

COMMISSIONER SEGGOS: Good to see you, Assemblyman.

ASSEMBLYMAN SIMPSON: I've got a question, I have a question -- last year, it was around September, Governor Hochul announced $20 million for the Conklingville Dam. And again this year there's another $20 million in the budget.

So is this the same 20 million, or is this just the next phase of this project so we're up to 40 million now?

COMMISSIONER SEGGOS: My understanding is that we're up to 40, but I can double-check that with our team.

ASSEMBLYMAN SIMPSON: Yeah, I just was trying to clarify that.

I also -- you know, we've heard a lot of discussions around clean water systems.

It's really a critical issue all over upstate
New York, all over everywhere. Have we done
an assessment to evaluate the need, what
those dollars are?

I can recall a couple of years ago
with the prior administration talking about
it, and there were estimates that were as
high as $300 billion for our public clean
water drinking systems. And I've also heard
numbers recently from some of the
environmental groups that it's $80 billion.

I think it would be very important for
us to establish what the true need is out
there, especially when we see these smaller
communities that are just unable to meet the
current regs even to be able to pay for those
systems, so --

COMMISSIONER SEGGOS: No doubt about
it that there's a huge need out there. We've
made that clear since we started working with
you and the Legislature on creating these
funding sources.

And I remember the estimate back in
the late 2000s of, you know, 40 billion for
clean water, 40 billion for wastewater. And
my expectation is that we've shrunk that considerably through the grant programs that we worked on together with you, and the loan program, which is the most aggressive in the country -- a billion dollars a year, typically, on loans.

So we're chipping into that delta. And, you know, the number is always shifting, right, because infrastructure ages and effectively becomes derelict and you have to reinvest in it. EFC has a needs assessment that we do; it's not the same thing as a full-blown deep dive that we had in the late 2000s. If there's a fast way to get that, I think it will be helpful to us, and maybe the needs assessment is where we need to put our effort.

But we won't dispute that the number is large. And it is worth putting money, as the federal government is about to do, putting money into this, because this hidden infrastructure really is the backbone of our communities.

ASSEMBLYMAN SIMPSON: I agree, we need
clean drinking water. That's just as important as our air and what's happening in our climate.

COMMISSIONER SEGGOS: It is.

ASSEMBLYMAN SIMPSON: And its going to get harder and harder to deal with these issues, so --

COMMISSIONER SEGGOS: Agreed.

ASSEMBLYMAN SIMPSON: Thank you, Commissioner, I'm out of time.

COMMISSIONER SEGGOS: Good to see you.

Thanks.

ASSEMBLYMAN SIMPSON: Good to see you.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner. So I think we are up to me.

Every year we seem to have a conversation about the Clean Water Infrastructure Act of 2017. And I've very much appreciated, and the staff have, looking at where the various programs are. So I'm just wondering if you can update us on the status of the various programs in the Clean Water Infrastructure Act of 2017, including encumbrances or disbursements made so far and
what you anticipate in the coming year.

And if you could enlighten us as to which programs were put on hold as a result of the pandemic, and which have continued to advance. And certainly to follow up in writing with this information would be helpful also.

COMMISSIONER SEGGOS: Be happy to follow up in writing and be specific about the various pots of money.

You're right that there was a lag during the pandemic, or at least during early 2021 when there was some concern about the state's economy at that point. But now we certainly have rebounded. Governor Hochul took office and was right away quick to tap into the Clean Water Infrastructure Act, get those funds out the door, and she made a big announcement about that before the turn of the year.

EFC will be putting out announcements soon on the $400 million grant program, where those monies are going. There's a great deal of energy and anticipation behind all of
those programs. We can certainly break down for you in writing exactly what the spending has been. And I know the Governor is intent on continuing it, as she's put forth another $500 million toward the Clean Water Infrastructure Act this year.

So it's a top priority of ours. I know it's a top priority of the municipalities that get this money, rely upon it. And we see the federal government now jumping in, as I just mentioned, to augment those dollars and make sure we're putting shovels in the ground. It's vital.

I will coordinate with DOH, which does some of the drinking water disbursements, and EFC, which has the loan and grant program, and get you a complete answer.

CHAIRWOMAN WEINSTEIN: Great. And then if we could switch topics.

As you know, there are three manufactured gas plant sites along the Gowanus Canal in Brooklyn in mixed-use areas which remain contaminated with known carcinogens. And there seems to have been
some I guess alteration of the remedy references, levels. And I'm sure you and colleagues are aware that a large part of the site is slated for development of affordable housing and an elementary school, which is being constructed over a toxic MGP plant built on wetland, so that it's going to require a lot of pile-driving.

So I guess the question is, has DEC conducted any analysis or seen any documentation indicating whether a potential vapor intrusion of contamination will enter buildings via elevator shafts, HVAC systems?

There's a number of other questions also. I know there's a subsite that's from the -- of the Syracuse Hiawatha site that's also there, and there seems to be some -- it seems to be stricter regulation on the Syracuse site than on this Gowanus site.

I have a number of other questions regarding the Gowanus site, and I think what maybe will be best, if you wanted to comment a little bit on that site, but for me to send you an email with the specific questions, and
if you could then email back a response and we would share it, you know, obviously with the members of the committee. And Assemblywoman Jo Anne Simon represents that area, so I would want her to be involved. But if you want to just comment on the Gowanus site, if you could now, or if you want to just do it all in writing in response to the questions.

COMMISSIONER SEGGOS: Sure. Thank you for raising it. Very complicated contamination issues in a dense area right now.

We are laser-focused on holding National Grid accountable for that former contamination. I can't speak as much to the zoning issue and the decisions by the city in terms of, you know, how they intend to rebuild the area. But anytime, you know, you build over contamination you have to consider vapor intrusion.

I'll check with my team and get you a really good answer as to our analysis of that threat. It's happened before elsewhere when
you haven't, you know, thoroughly thought through the vapor intrusion potential and you've got problems. But this has been such a high-profile matter for my team down in New York City as well as some folks here in Albany, and we're working closely with EPA on it.

But I will get you a full answer as well as an answer for the Assemblywoman so we can get that nailed down and addressed. But thank you for raising it. My team is taking notes and is scheduled to follow up with you.

CHAIRWOMAN WEINSTEIN: Great. That would be great.

And I thought I was going to be last, but Assemblyman Doug Smith snuck in here. So we're going to call upon him for three minutes.

COMMISSIONER SEGGOS: You're muted.
Or maybe I'm not hearing on my --

ASSEMBLYMAN SMITH: Thank you so much, Chairwoman. Again, I apologize.

And thank you, Commissioner, for being here with us.
Just a few questions; I'll keep it brief. But I heard your answers regarding the extended producer responsibility, and I just wanted to see if you could quickly explain it, because I think a number of us have real questions on how the mechanics of this are going to work.

So I represent, for example, the Township of Islip on Long Island, and I'm trying to figure out how -- how is this going to work. So if I have like Kellogg's as a cereal company, they have the cardboard box, they have the plastic insert where the cereal goes. And the Town of Islip handles recycling, they handle sanitation. Are they going to be cutting a check to the township? You know, how is -- what is the mechanism?

And if you could answer that, because I think a number of our members are -- and myself included -- are a little bit questioning, just questioning the mechanics.

COMMISSIONER SEGGOS: Okay. The mechanics of this are fairly stepwise, recognizing that we have an issue with solid
waste right now, we've got to reduce the
amount of waste we produce -- I mean, that's
the heart of the EPR -- and put those burdens
on the manufacturers themselves.

We intend to do this in a stepwise
manner, because we recognize that, you know,
the market is complex and there's a certain
amount of work we need to do up-front to
understand the scale of the problem. So as
opposed to setting a particular recycling
mandate, I think we have to understand what
the production problems are for a variety of
products.

So starting with an advisory committee
comprised of environmental stakeholders,
industry stakeholders, to help advise us on
how to begin focusing this program. And then
of course moving into a needs assessment.
The needs assessment then dives deep into the
so-called industry, right, where we get a
better sense of who's producing a product and
how that product can be perhaps more
effectively addressed.

The manufacturers of the product then
can either choose to independently or
collectively create that plan. There's a
so-called producer responsibility
organization: Would you join an organization
to create these plans that would be submitted
to the department for approval?

And then after that is the creation of
regulations, right, to begin driving this
into reality over time.

There is a stepwise approach here that
between now and, say, 2026, all of this will
take place. It's a little bit like the
Climate Leadership and Community Protection
Act, in that we are bringing experts to the
table, creating a plan, and ultimately
implementing the plan. The only difference
being with the CLCPA, we knew the targets we
needed to hit. We don't know the targets we
need to hit yet with EPR --

ASSEMBLYMAN SMITH: Oh, okay. So --
and I appreciate that. So you're explaining
that, you know, this is a multiyear process.
Because I think the real question that we're
trying to just figure out here is like the
company that makes the bags that Pepsi -- you know, Frito-Lay fills up with chips.

COMMISSIONER SEGGOS: Sure.

ASSEMBLYMAN SMITH: You know, how is that company going to know where these bags are going? Whereas Pepsi, the brand, may know where they're sending it, but actual producer of the waste product that ends in the product, you know, how are they going to be able to track that.

So that's I think a question that if you could just not at this time -- I'm out of time -- but maybe send something around to follow up, just because --

COMMISSIONER SEGGOS: Sure --

ASSEMBLYMAN SMITH: For those of us who are not -- you know, we just want to wrap our heads --

COMMISSIONER SEGGOS: I'm happy to do that. We can do a follow-up as well.

ASSEMBLYMAN SMITH: Thank you.

COMMISSIONER SEGGOS: Thank you.

ASSEMBLYMAN SMITH: Thank you,

Chairwoman.
CHAIRWOMAN WEINSTEIN: Before we end the hearing, Assembly --

CHAIRWOMAN KRUEGER: We're not ending the hearing, we're just ending the commissioner.

(Laughter.)

COMMISSIONER SEGROS: Before you end me --

CHAIRWOMAN WEINSTEIN: This portion of the hearing. Before we let the commissioner go, Assemblyman Steve Englebright has a question on the second round, as chair, of three minutes.

ASSEMBLYMAN ENGLEBRIGHT: Thank you very much.

I feel a little like Paul Revere, if by land and by sea. I'll start by land.

Commissioner, what's your overall vision for brownfields? And what achievements should we expect to see as a result? And that's by land.

By sea -- it's clearly more by the air in this case -- how does the budget address the scourge of air contamination, incidents
of asthma in particular? And are there any additional resources to combat asthma by directing some of the resources of the EPF and the bond act to help save some people's lives and extend their longevity?

COMMISSIONER SEGGOS: Great questions. And let me take them in order.

First of all, on brownfields, I believe this is one of the most successful programs that we have. We have successfully created some reforms back in 2015 that resulted in the increase of participants in the program.

The Governor's made it clear that she wants to continue this program now for another 10 years and broaden the categories that are eligible for credits -- two very important categories: One, redevelopments in urban areas and specifically environmental justice areas; and two, creation of renewable energy projects. So both of those projects -- both of those types of categories would take coverage under the new law.

Again, a very successful program. We
can certainly, given time, jump into any questions you have offline and I would hope get this project reinvigorated, get it across the finish line.

On air, really important question.
I'll take that really in two ways that are forward-looking. We have existing resources here in New York at DEC that help us to address air problems as we see them with our air folks. The bond act has, as one of its elements, the reduction in air pollution -- the Clean Water, Clean Air, Green Jobs Act. And to the extent that the bond act passes, I'm confident that we can direct investments into areas of core air emissions.

Secondly, the Climate Leadership and Community Protection Act, our CAC. We talked a lot about benefits earlier in the day, cost benefits. I just want to make something abundantly clear. We talk about a scenario where we're weaning off of fossil fuels and the cost and the benefits that we recognize as a state in regards to that. Those benefits, the societal benefits, those are
lives. That's asthma. Those are -- those
are days lost from work. All of that we'll
be avoiding as a result of the improvements
that we'll make through the investments in a
renewable economy.

So I know we're cramped for time, but
I want to make that clear so it's not lost on
you all and the general public that moving to
a renewable energy economy is going to save
lives in New York.

ASSEMBLYMAN ENGLEBRIGHT: Thank you,
Commissioner, Madam Chair.

COMMISSIONER SEGGOS: Thank you,
Assemblyman.

CHAIRWOMAN WEINSTEIN: Back to --
CHAIRWOMAN KRUEGER: Thank you.
CHAIRWOMAN WEINSTEIN: -- Senator
Krueger for the next witness.

(Laughter; overtalk.)

COMMISSIONER SEGGOS: We done? You
done with me?

CHAIRWOMAN KRUEGER: I want to thank
you very much, Commissioner Seggos, for
spending a couple of hours with us.
COMMISSIONER SEGGOS: Thank you.

CHAIRWOMAN KRUEGER: And continue your good work, and we will make more demands on you for the people of New York State.

COMMISSIONER SEGGOS: (Laughing.)

Thank you, Senator.

CHAIRWOMAN KRUEGER: That's what we do.

COMMISSIONER SEGGOS: Good night, everybody.

CHAIRWOMAN KRUEGER: Thank you. Good night.

But now we are moving on to No. 2 on Part 2 of Environmental Conservation: Erik Kulleseid, New York State Office of Parks, Recreation and Historic Preservation commissioner.

Are you with us, Erik?

COMMISSIONER KULLESEID: I'm here. Can you hear me?

CHAIRWOMAN KRUEGER: Ah, yes. See, you thought we'd never get to you.

Welcome. And you have up to 10 minutes to highlight key points in your
testimony, which we all have in front of us and can read. Thank you.

COMMISSIONER KULLESEID: Thank you.

And I guess that I can -- you see my testimony said good afternoon, but I think at this point it's safe to say good evening, Chair Krueger, Chair Weinstein, Senator Serrano, Assemblyman O'Donnell, and members of the State Legislature. Thank you for inviting me here today.

I am honored to represent Governor Hochul on behalf of our state parks system, which includes 250 state parks, historic sites, golf courses, boat launches, trails -- facilities that are essential to societal health and well-being for people from communities all across New York.

Last year our parks -- and our incomparable parks staff -- welcomed more than 78 million visitors for the second straight year, and overnight stays at campgrounds were the highest ever. New Yorkers continued heading to our parks in record numbers for relief from the COVID
pandemic. This follows a decade of steady
growth -- an overall increase of 41 percent
in visitation since 2008.

Simultaneously, during 2021 our parks
staff were out there providing more than
500 individual COVID missions, such as test
site support and equipment distribution.
Additionally, staff provided storm response
for 16 individual storm events across the
state.

The Governor's proposed budget for the
agency is precedent-setting by any measure,
reflecting her deep personal support for the
park system. As a frequent visitor, she
recognizes the value of parks and historic
sites and supports the work that needs to be
done to maintain our basic infrastructure and
meet the needs of our visitors.

The Executive Budget increases
operations spending, which is very welcome,
and sets staffing at its highest level since
2009, allowing us to rebuild a workforce
challenged by the hiring freeze. Something
that I know many of you are interested in,
retention and recruitment of Park Police is a priority. I've directed the agency to begin planning for a Park Police Training Academy starting this fall.

Governor Hochul will accelerate and enhance our NY Parks 100 initiative, proposing $200 million in bonded funding for our capital program. This 80 percent increase over last year will position New York State to celebrate the 100th -- I invite you all to come -- 100th anniversary of the State Parks Act of 1924, which established the system we know today.

This increase is a fantastic vote of confidence in the capacity of this agency to get things done, and it amplifies our ability to meet the recreational and cultural needs of New Yorkers, visitors and tourists.

The funding will help to create a new state park at the High Falls area of downtown Rochester, and build on the far-reaching enhancements to outdoor recreation that we saw last year. Those included a $30 million renovation of the FDR State Park swimming
pool in metropolitan New York City; opening
the first-ever Autism Nature Trail at
Letchworth State Park to invite those with
autism spectrum disorder to come to the
outdoors and develop new skills; creating a
whole new park area at Niagara Falls State
Park -- the largest expansion of the park
since 1885 -- by removing a segment of the
Moses-era parkway. In addition to that, we
broke ground on a brand-new visitor center, a
$46 million state-of-the-art visitor center
for that park that will open in 2023.

We also opened an $8.3 million
Environmental Education and Resiliency Center
at Hempstead Lake State Park in
Nassau County. The center offers space for
hands-on learning and is part of a
multi-million-dollar parkwide transformation
to reduce flood risk, improve water quality,
and enhance recreational access along the
Mill River corridor in southern Nassau
County.

We also celebrated the opening of
The Pines@SPAC, a $9.5 million renovation at
the Saratoga Performing Arts Center, which
creates a four-season space.

Obviously there's a lot of other good
news outside of our direct budget. By
increasing the funding for the EPF to a
historic $400 million, the Executive Budget
will enhance our stewardship of natural and
cultural resources, and better connect parks
to people. Notable programs include doubling
the funding for our successful and vital
Parks & Trails Partnership grants, which
empowers friends' groups to do projects in
our parks; a 50 percent increase to our
"Connect Kids" program, which allows children
from economically distressed and underserved
communities to experience state parks and
historic sites and not only get job skills
but learn nature skills; and a 30 percent
increase to the Local Parks/Historic
Preservation Grant Program, a great
empowerment for local communities and
nonprofits to do their own projects around
parks and open space.

Our parks will be eligible for funding
from the $4 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act. If approved by the voters, this bond act will make significant environmental investments across the state, including in our parks. As the largest owner of shoreline in the State of New York, our parks are vulnerable to climate change, and we also have a lot of exciting projects in former brownfields that can be restored using this funding. So we're very excited about the bond act.

Our Division for Historic Preservation is our engine, our little engine that could. It generates lots of private investment. We continue our nation-leading work to document, preserve and enhance historic resources. We've now approved the rehabilitation commercial tax credit in more than 1150 individual properties, incentivizing nearly $14 billion in private investment since the establishment of the current federal program in 1993. The vast majority of this work has occurred since New York State, on its own,
established a complementary rehabilitation tax credit in 2007 and enhanced it in 2010.

Later this year we will launch a registry that highlights historic businesses that have operated for at least 50 years and have contributed to our communities' history.

As always, and I hope you'll take me up on this, I welcome you to visit in the coming year, to see in person the amazing service we provide. Thank you for your support for New York's magnificent natural and historic places, and the millions who benefit from them. I look forward to working with you to make the park system the best it can be. And I welcome any questions.

CHAIRWOMAN KRUEGER: Senator Serrano, the chair of the Parks, Tourism, et cetera, Committee for the Senate.

SENATOR SERRANO: Thank you, Madam Chair.

Commissioner, great to be with you. Thank you for your testimony. Wonderful to be with my colleagues on something that we all care so deeply about, and that is our
state parks. Very --

(Zoom audio/video frozen.)

CHAIRWOMAN KRUEGER: Oops, you froze,

Marco. I wonder if you turn your picture off whether your voice will come through.

SENATOR SERRANO: I'm sorry. Am I frozen? Am I okay?

CHAIRWOMAN KRUEGER: You're okay now.

You had frozen.

SENATOR SERRANO: So I'll start again.

Thank you again. I was very happy to hear in your testimony, Commissioner, about an increase to capital funding. It seems like yesterday, but it was a year ago when we were talking about the next four-year plan when it came to capital funding, and how that could affect some of the high-use parks, those that get -- that really get a lot of use and maybe are closer to metropolitan areas.

So this increased capital funds, how does it affect sort of the most heavily used parks, maybe near New York City?

COMMISSIONER KULLESEID: Thank you for
the question. And thank you for being one of
our top park users and boosters. It's always
great to see you in our parks, and I know how
well you know them.

We are -- yes, so the boost in capital
funding really allows us to keep moving on
our very successful program of the last
10 years, and I think you can expect to see a
lot of investment in parks like Harriman,
parks like Bear Mountain, parks in the
city -- Riverbank -- those places where a lot
of people make day trips in the summer,
they're there all year long.

And the funding really allows us to
take on rebuilding capacity in those parks.
Those parks in particular, over the last
40 years, have actually seen us closing
facilities and limiting our capacity. And so
this funding is going to allow us to turn the
corner and really start to rebuild in all
those areas.

And I'm grateful to your support, I'm
grateful to everyone's support for funding in
the past, and I think that we are achieving
results that should give you confidence that we'll continue into the future.

SENATOR SERRANO: But with the pandemic, I can imagine there's been challenges of getting contracting or getting a lot of these programs off -- these projects off the ground.

Are you finding it harder to get these things going, or are we in a good place as far as getting some of these infrastructure upgrades and so on done?

COMMISSIONER KULLESEID: You know, I can't speak for some of the supply chain problems you hear about that are somewhat caused by COVID and other disruptions in the economy. Right?

But no, our team has been -- is ready to stand this up. You know, one thing we've learned in the last 10 years is how to run a capital program, and we are excited by the opportunity and think that we are really a mature capital agency now that can deliver these results. No, we're very excited about this possibility.
SENATOR SERRANO: One thing that I've been hearing about, Commissioner, from advocates and folks who care about the way the parks operate is full-time park employees. You mentioned a little bit or it was written in your information about increases in hiring. But I think there's so much more that we can and should do.

What are some of the goals to try to fill the gap for having the number of employees there to help our parks deal with the increase in usership that we've been seeing over the years?

COMMISSIONER KULLESEID: So I think -- and thank you for that question. Obviously I think first of all the return to a fill level that's above wherever we were in 2008 is obviously very welcome news, and we are in full-on hiring mode to get ourselves up to that level. We're very grateful to the Governor for releasing the freeze last year.

You know, I think that we have always been an agency that can do things on lean budgets, and as the well has been tight. I
think we are able -- we're going into the 
coming season with huge optimism about our 
ability to provide and keep the kind of 
service level that we've had, that people 
expect in our parks. Obviously this increase 
is huge because it gives us positions for the 
future. And we'll see, obviously, as parks 
come online, we may need more funding and 
more staffing, but right now we're sort of 
laying the groundwork.

So we're in pretty good shape right 
now. I think we feel very confident about 
the future.

SENATOR SERRANO: I want to talk a 
little bit briefly about diversity in parks. 
So, I mean, you've often heard me speak about 
my own experience growing up in the city, 
growing up in the South Bronx, but having the 
opportunity to connect with parks at a young 
age had a profound effect on my life and was 
quite transformative, and it's something that 
I take with me to this day.

And I want to see more and more of 
those opportunities for kids in inner
cities -- not just in New York City, but
throughout the state -- and finding ways to
connect kids to parks and create sort of
these lifelong connections for folks to
become stewards of parks, not just visitors.

What are some of the plans that you
have to make that happen?

COMMISSIONER KULLESEID: So it's
something that's near and dear to my heart as
well. We've established -- obviously we have
the Connects Kids program. We are also
growing a new program called Ladders to the
Outdoors, which is meant to take advantage of
the fact that our footprint covers urban
areas to the most wilderness areas, as a way
of progressing people through levels of
comfort into various levels of park
experience.

But we also have our Connect Kids
program. We were talking about expanding the
prospects to Connect Kids. Connect Kids
right now is very much targeted towards
schools, after-school programs, to get them
transportation to the parks. With the
changes that we're proposing in that, we'll be able to not only do that but provide skills training to even, you know, jobs, work skills, recreation skills. And we are very excited about the possibilities.

And we have, as you know, at Harriman and other places with the group camps, offered huge opportunities, huge venues for us to be able to expand the scope of what we do for our youth in the cities.

I should say also in the City of Syracuse we're working closely with a group in the City of Syracuse to get more Syracuse City youth working in our parks in the parks in the area around Syracuse. It's something I take very seriously and am grateful for your support and look forward to getting help, as we can, to forge those ties and make sure our ties to diverse populations are as strong as they can be.

SENATOR SERRANO: Connecting more and more people to parks I think is obviously a goal of all of ours. And we've seen, during the pandemic -- not that we needed any
additional proof, the pandemic proved to the world how important parks and green spaces are. Folks turned to our parks as a very safe way to be out and recreate and hike and camp and do all of the things that we needed to do for mental health and our physical health as well.

But with all of that increase in usership, obviously there's challenges that go along with that. It's a good problem to have. I would love to see even more people, every single year over year, do that.

But at the same time I would love to see park users, as I mentioned in my previous statement, become more stewards of the parks, and maybe training programs and educational programs to help people do that, to also venture into other parts of the parks. Sometimes folks like to focus on some of the more familiar areas. But we have so many trails -- and sort of educating people about all the different wonders that we have in our state parks, like in a place like Harriman or any of the other parks.
I just -- what -- can you tell me a little bit about creating stewards of the parks throughout New York State?

COMMISSIONER KULLESEID: So one of the things we've been able to build in the past 10 years or so has been a robust education program. So we've expanded the number of nature centers in our parks so that you can come in, kids can get exposure to learning about wildlife, learning about environmental ethics. We are teaching and building the next generation of stewards.

Because you're totally right. You know, this generation that seems to be tied to phones -- and I'm someone who has to deal with that myself -- need to be helped in sort of getting out in nature.

I should note we're also trying to make it just easier for people to get there. You know, we have obviously language capacity, but right now we have a new app that we use called New York State Parks Explorer, which gives you a look, helps steer you to places, helps give notices of what's
going on in our parks. But it is something we do every day that sort of makes sure that we can build those connections. And it is one of the most important things for me as the commissioner to try and address.

SENATOR SERRANO: Now, the whole idea of stewardship, is that something that the Parks Department will want to do themselves, or is this something that friends' groups have a hand in as well? How does that work?

COMMISSIONER KULLESEID: Oh, we do obviously -- you know, one of the great things about state parks is we can model the best behavior. Right? Because we have so many people come to enjoy themselves in our parks. So if we are modeling sustainability around solar infrastructure, around making sure that our parking lots and other places are not just sources of sheet flow and surface flow pollution -- right? We're a capital program, we're trying to green up our infrastructure, make ourselves more sustainable and make an educational opportunity for the kids and the families
that are coming through our parks.

   It's something we take very seriously,
and I think we actually have a unique
platform there because we have so many
visitors a year so there's so much we can
show people about what it means to be true
good stewards of the land.

   SENATOR SERRANO:  Well, thank you.  I
think my time is up.  It's always a pleasure
speaking with you, Commissioner.

    Thank you, Madam Chair.

   CHAIRWOMAN KRUEGER:  Thank you,
Senator Serrano.

   Assemblywoman Weinstein.

   CHAIRWOMAN WEINSTEIN:  We go to
Assemblyman O'Donnell, chair of our Tourism
and Parks Committee.

   ASSEMBLYMAN O'DONNELL:  Good evening,
Commissioner.

   COMMISSIONER KULLESEID:  Good evening.

   ASSEMBLYMAN O'DONNELL:  I've been
waiting for you --

    (Laughter.)

   ASSEMBLYMAN O'DONNELL:  -- just so you
So I'm very, very happy with the capital funding in this budget, the 200 million for parks, and also the municipal parks funding. But there's a lot of discussions around equity and equitable and what is inequitable funding. And the tale I'll tell, I represent three New York City parks, all designed by Frederick Olmsted -- Morningside Park, Central Park, and Riverside Park. And the prettiest of them is Morningside Park, but it was ignored by the City of New York for one reason and one reason only: It was in Harlem. Okay?

And so in the end, equitable as a distribution of resources can be very subjective. So how are you going to figure out where you're going to put this capital funding?

So for example, you know, my friend Senator Serrano talked about the parks that are the most used, have the most people coming to them. But they may not be the parks that are most in need of capital.
funding.

COMMISSIONER KULLESEID: So thank you for the question, and nice to see you.

So yes, I think that the great thing about having this renewed investment in capital is going to allow us to invest in parks. And keep in mind, obviously, you know, the parks we've opened in the last few years. We opened a park in Brooklyn, right, in East New York, with Shirley Chisholm State Park. So it's something we take seriously.

I think what you're going to see, Assemblyman, is that we will be -- Riverbank, which is not in your district but close by, is obviously key to the Harlem community. We've invested $100 million over the past years. Or Roberto Clemente, which is one of our parks in the South Bronx. And I think -- you know, Senator Serrano and I were talking about Harriman. As you know, Harriman on a weekend is full of day-trippers from New York City, from the five boroughs and particularly from Northern Manhattan, the Bronx. You go around and Spanish is the primary language
So I think that we need to remember that some of those parks that are in the suburbs and that ring New York are actually vital parts of New York City -- sort of breathing room in the summer. And I include in that the pool that we just refurbished at Franklin Delano Roosevelt, and Rockland Lake State Park. We've got a number of facilities that have become the destination for people who don't have those kind of opportunities in the city.

So I think you're going to see a lot, I think, if this money gets invested, in those parks that ring the city and yet have unfortunately not been restored the way we've restored some of our biggest places.

ASSEMBLYMAN O'DONNELL: Well, I share Senator Serrano's view of the importance of parks in my childhood, except that was exclusively Robert Moses State Park and Robert Moses Causeway. So as a child I thought he was a hero. I of course have had a revision of my view of Robert Moses. But I
can understand how important it needs to be that you do this gingerly, because no one likes to feel like they're being treated inequitably.

Same question about staffing. How are you going to address that issue about having additional positions, and where will they be put?

COMMISSIONER KULLESEID: So staffing is -- let me think about the question. So we have -- we are -- our fill level is proposed to go up to 2087, which like I said is higher than it's been since 2008. Right now we are in a full-on effort to recruit all that staff.

You know, it will end up -- we know, we know where our gaps are. We know that we have gaps downstate. It will go -- I mean, we actually in this case, you know, our gap is fairly consistent statewide. Right? And we are -- and you're going to see a lot of -- you're going to see a lot of increases across the state. But it's really one of those things where we want each park -- we know
what the numbers are in New York City. We
know what they are in our parks. As you
know, we have eight parks in New York City,
and then we have the parks outside. They'll
be getting the kind of staff we need. We are
able to target those really high-need parks
that need to have -- be bolstered.

And of course over the summer we'll be
hiring, you know, a thousand people to serve
as seasonals in our parks. And that of
course --

ASSEMBLYMAN O'DONNELL: Well as you
know, I live just south of Riverbank State
Park, which mostly means I can smell it. And
the reality is is that park was not placed
there because of its gorgeous scenery. That
park was placed there in exchange for having
to put in a sewage treatment plant.

And so to me, that makes it somewhat
different situationally than other parks that
were put there because of the extraordinary
mountain or the extraordinary view that
surrounded it.

Now, last time we were here there was
a discussion about the creation of new parks on the Hudson where you'd be able to do boat launches. And at the time there was no proposed name of that park. What is the status of that?

COMMISSIONER KULLESEID: So we have a couple of parks -- a couple of park initiatives on the Hudson. The boat launches are really in existing villages in the upper Hudson, between Hudson and Albany, that we call the Hudson Eagles Recreation Area, and there you're seeing -- they are being named, those boat launches are being named by the community they're in. So there's one coming up in Coxsackie, they've got one in Hudson.

         But also -- but you're right, we've also -- the state has recently acquired a 500-acre piece of land, a former quarry in the City of Kingston, in the Town of Ulster. And we are -- we hope to be able to get something open there by Earth Day, and we will have an unveiling on the name at that point.

ASSEMBLYMAN O'DONNELL: May I ask, is
there any current consideration of naming any
more parks after the former Governor's
family?

    COMMISSIONER KULLESEID: That is not
under consideration, as far as I know.

    ASSEMBLYMAN O'DONNELL: Well, I'm very
happy to hear that.

    How about the current Governor? Has
she suggested that you name anything after
her family?

    COMMISSIONER KULLESEID: There's been
no suggestion in that regard.

    ASSEMBLYMAN O'DONNELL: Well, that's
very good news.

    Commissioner, it's been a pleasure. I
will yield the rest of my time.

    COMMISSIONER KULLESEID: Thank you,
Assemblyman.

    CHAIRWOMAN KRUEGER: Thank you,
Assemblyman.

    Our next speaker will be Senator John
Mannion, if he -- ah, there he is.

    SENATOR MANNION: I appreciate the
guardrail, Senator Krueger, thank you.
Hello, Commissioner. I'm getting my bearings here, so I appreciate it. We're going to start with Environmental Conservation Police as well as Forest Rangers, Park Police. They do not have a 20-year retirement plan. So, you know, as someone who represented people in the public sector, I think I understand the demands of jobs that are like these. And can you speak to how possibly that 20-year -- lack of a 20-year retirement plan might be impacting recruiting and retaining members? And how is recruitment and retainment going at this time?

COMMISSIONER KULLESEID: Well, I -- as I -- you know, I'm glad to be able to say that we are finally able -- I mean the Park Police in particular, over the last two years, have been in limbo. But I'm happy to be able to say that we are now laying the groundwork to do a Park Police Academy in the fall so that we can begin to address the attrition that we've faced over the last two years when we've not been doing academies.
I'm very excited about that because, as you know, our Park Police play a vital and unique role of community policing for us. They're in the parks, they mitigate situations before they get hot. So they're a great resource for us.

I think what you're going to see is where we really get hit with attrition, which is the effect of the benefits you're talking about, is in the downstate region, so we'll be looking at measures that we can take to address attrition and figure out how to retain more people, whether it's geo-pay or other measures that can be taken to make that up. Obviously, you know, the 20-year retirement is one of the factors, but we're going to take on the factors as an agency that we can take on to sort of address that situation.

SENATOR MANNION: Thank you, Commissioner.

As chair of Disabilities, it's important to be accommodating and create accessible opportunities for everyone. I
I have not seen but have heard great things about the Autism Trail at Letchworth State Park, and am hopeful that a proposal to create a similar trail at Green Lakes State Park, you know, can occur.

Can you let me know whether or not funding will or has been allocated, and can you just generally speak to the expansion of these types of trails across the state? You have 30 seconds. It's been a long day, so whatever piece of that you want to answer is great.

COMMISSIONER KULLESEID: Well, I'll just say obviously we're very excited about the Autism Nature Trail at Letchworth. It's entirely privately fundraised.

It is something we're looking at for Green Lakes. We are looking -- we're talking to the foundation community. Obviously it needs to go through design and other things first before anything can happen.

But certainly coming out of our Central Region, we think it's very exciting because we would love -- when we built the
Autism Nature Trail we always hoped that there would be opportunities to replicate it across the state and really across the country. We think it's a great, great, great thing.

SENATOR MANNION: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Ra, five minutes.

ASSEMBLYMAN RA: Thank you, Chair. Commissioner, good evening. I want to go back to what Senator Mannion started with in terms of the Park Police.

I know that, you know, the Governor recently, you know, made some announcements, which are great, and having a class coming in. Can you tell me, has the memo from former Governor Cuomo from December of 2019 been formally rescinded at this point? Where are we with regard to that?

COMMISSIONER KULLESEID: The memo's not been rescinded. But there are plenty of provisions in that that related to a
transition into the State Police force.
Those are not -- those are not operative.
They continue to be under the command of the
State Police, but there's -- right now that
memo has not been rescinded.

ASSEMBLYMAN RA: Okay, thank you.
And you talked about some of the
issues, geographic pay, 20-year pension.
Obviously having a class coming in is great.
We know that the force is down and needs to
be, you know, rebuilt and all of that. But
really one of the important things here is
that we ensure that we have a class and we
retain these officers. Right? And we keep
them and we keep them here and we're not just
training to send them to another department.

So, I mean, can you speak any further
in terms of, you know, the Governor, you
know, had it vetoed, said it should be done
in the budget. It's not in the proposal. I
mean, does -- do you or the agency support
enacting that 20-year pension bill?

COMMISSIONER KULLESEID: We
obviously -- that's something we are working
on with the Governor's office. And I think
right now, like I said, our focus is on the
academy, it's on other measures we can take
to address that situation.

ASSEMBLYMAN RA: Okay. And lastly, is
there a longer-term plan in addition to just
this fall academy, plans for future academy
classes or any of that? Or is right now just
looking at the fall 2022 academy?

COMMISSIONER KULLESEID: You know,
it's obviously always subject to budget
capacities like that, but right now -- this
is a course correction, right? This is meant
to stabilize and make sure this force
continues to be able to meet the needs of the
78 million people who visit our parks every
year. So no, this is not just a one-off by
any means.

ASSEMBLYMAN RA: All right, thank you.
I just think, you know, and I know many
members have expressed, you know, concerns
and want to, you know, advocate for this --
these officers. I think it's important that
we do that, we reinvigorate this force, we
rebuild the numbers there. You know, people
in our state have been utilizing our parks,
they were a great resource during the
pandemic. Obviously many of them served --
you know, I know myself, I got my vaccination
at Jones Beach. You had, you know, testing
sites, vaccination sites, and the
Parks Police were instrumental in
helping make that happen.

So, you know, I look forward to -- you
know, me and my colleagues are going to
continue advocating that we make sure that we
have proper staffing within that department
so that they're there to keep our residents
safe when they're enjoying our beautiful
parks. So thank you.

COMMISSIONER KULLESEID: You're
welcome. And I echo that, you know, we are
very much glad to be on a path forward rather
than the limbo that we've been in for the
past two years. So it's a welcome change for
us. Thank you.

ASSEMBLYMAN RA: Thank you,

Commissioner.
CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you.

Senator Michelle Hinchey.

SENATOR HINCHEY: Thank you. Commissioner, it's great to see you. And thank you, Madam Chair.

I actually have had some questions that were answered, so I'm happy to yield my time.

CHAIRWOMAN KRUEGER: Wow. Thank you so much, Senator Hinchey. You get extra points.

Back to you, Assemblymember.

CHAIRWOMAN WEINSTEIN: Do you want to call on another Senator? That would be okay.

CHAIRWOMAN KRUEGER: Oh, okay. Thank you. Well then we do have Senator Serino, the ranker on Parks.

SENATOR SERINO: Thank you, Madam Chair.

Commissioner, it's so nice to see you. And I can't thank you enough for all the time that you've spent in our district, too. It's
really meaningful.

So my first question is that my understanding is that the Governor's Executive Budget provides enough funding for the agency to begin hiring and training the new Park Police officers. But I was wondering if there's funding from this budget that is specifically earmarked to address like recruitment, training, retention, and the equipment needs of the Park Police officers. And if so, how much and do you know how exactly that would be distributed?

COMMISSIONER KULLESEID: So yes. There's not a line item, but our budget -- it comes out of our operating budget. Our budget is sufficient for us to be able to run the police academy, including the recruiting of candidates, and all that's necessary to run an academy.

We are also continuing -- we've actually been doing purchases even while sort of the status of the force was in limbo the last couple of years, and those we will continue. I don't know what they are off the
top of my head. I can sort of give you a
sense or I can get back to you in terms of
what the exact amounts are that we're doing
now.

And then, like I said, you know, we
are looking to take the kind of measures we
can take in terms of retention and promoting
retention, without necessarily needing to
have an act of the Legislature or what have
you.

So I think those are the things that
we are -- so we're taking those steps as we
can and looking I guess at our flexibility
within our current systems that sort of
deliver better wages in those areas where we
really lose people. Because it is -- it is
primarily just a regional thing, right? We
don't lose much in the western part of the
state. It's really in the metropolitan area
that we lose people because of the other
opportunities that people have.

SENATOR SERINO: And then -- thank
you. And then my second question is that
I've heard that some of the park zones are
unable to communicate via computer with the county 911 calls due to like needed upgrades. I was just wondering if you've heard that. And also, if that is so, what's the plan to fix it?

COMMISSIONER KULLESEID: I'm not aware of that. I can get back to you. But I will say that I can -- I'll get back to you on the specifics there.

But obviously a lot of our parks are in remote places, right. We have -- just like DEC, we've got parks where it's not easy to get service all the time.

I will say, though, we work very closely with local governments, local police forces, local emergency management systems. It's been a great partnership for us across the state. We're always grateful, actually, to local governments who help us in our parks with many situations.

SENATOR SERINO: That's great. And then I have another question.

During the COVID pandemic the parks across the state have seen an uptick in
visitors. And it's great that so many New Yorkers are really getting to the outdoors and seeing all that our region has to offer. But one concern is that some visitors may be less aware of the appropriate precautions to take to protect themselves against Lyme and tick-borne diseases. As you know, Commissioner, I've always said I'm always talkin' ticks.

Has your office taken maybe some steps to adapt to this surge in the park and trail utilization with respect to education and outreach efforts about ticks? You know, especially since there's a lot of folks that aren't aware of them.

COMMISSIONER KULLESEID: I mean, as you know, right, in terms of Lyme disease, the best preventative is to be educated and know how to handle a tick and know how to look for them and dress appropriately. And that's something we take very seriously.

We have lots of -- we always have materials at our biggest trailheads to make sure people are able to learn about it. And
I'm looking forward to working with our new commissioner of Health on possible other initiatives.

But, you know, I think obviously -- and this is, as you know, it's a problem that afflicts not just our public lands but our private lands, right. And so it's one of those things where the more we can get the information out there, the more healthy people will be. So -- because no one should be afraid to go in the woods, they should just be prepared to pick ticks.

SENIOR SERINO: Yeah, and I think it does take a multi-agency -- like I think all of us have to get together and really work on this as a team.

So thank you so much, Commissioner. I appreciate you answering my questions, and it's great to see you.

COMMISSIONER KULLESEID: Good to see you too.

SENIOR SERINO: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And back to you, Assemblywoman.
CHAIRWOMAN WEINSTEIN: We go to our Tourism ranker, Assemblywoman Giglio.

ASSEMBLYWOMAN GIGLIO: I want to thank the chair and the ranker on Ways and Means for sticking through this the past couple of days. I know it's been a long couple of weeks for both of you, so thank you for that.

And Commissioner, thank you for the great job you're doing for all of our parks. I mean, they were really a lifesaver during the pandemic where families could get out for fun and a healthy environment and just get out of the house. So thank you very much.

So I have a few questions. One of them is pertaining to renewables on parkland in New York State and whether or not that would reduce the area of parks and recreation not only for the existing parks but for future buildout of parks. So that is one question.

And then as far as the transmission lines and the substation, do we have any parks in mind that these renewables would be built on?
COMMISSIONER KULLESEID: So obviously, you know, we have an opportunity at State Parks to model sustainability, as I said earlier. Right? And if we are installing solar and all these kinds of things, it's a way of saying, hey, New York, you know, New York State's doing it, your favorite park is doing it.

So I would say by and large it serves a -- you asked about siting. I mean, we are now about -- I think we are about 15 percent right now solarized within our parks. And, you know, we've been able to do that in many cases by carving out a piece of a parking lot, the edge of a parking lot, you know, at Robert Moses State Park on Long Island. And we'll be doing that -- we're doing that in Hudson Valley and certain places in -- in certain strategically placed places that don't affect viewsheds and things like that.

So we've not found that it affects our ability to welcome the public to date. We also are able to do stuff on rooftops. Right? We have 5,000 buildings, and so where
we can, we're putting it on top of roofs to
sort of make sure that we are not disrupting
that experience.

And obviously as the park agency, our
priority is recreation, so we need to be
making sure that none of this stuff affects
our ability to welcome the public.

So -- but it's one of those things
that we've been successful at, and I think --
and we've solarized 15 percent without
looking like we're taking over parks with
this stuff. So I'm confident that we can do
the siting necessary and make this sensitive
and delicate so we can accomplish this
without impacting the recreating public.

ASSEMBLYWOMAN GIGLIO: Okay. And is
there a goal to put these transmission lines
underground rather than overhead for future
renewables?

COMMISSIONER KULLESEID: We -- you
know, that's a good question. And maybe this
would fall -- we -- in our -- generally, I'll
say this, the facilities that we've placed
are placed near transmission lines. It's
actually -- that's actually a challenge for us at some of our parks because they're not close enough to relay points where they're going to be. So there's a way -- we have a ways to go.

Something like Jones Beach, it seems obvious -- all that beach, all that sand, all those parking lots -- but it is actually pretty far from the nearest junction where you can tie it into.

So we have some challenges in those areas, but by and large nothing -- we're sort of being strategic still at that point, making sure we're close to those facilities so we don't have to do a lot of overhead wires, no -- by and large we're putting stuff underground so we're connecting in through the underground.

ASSEMBLYWOMAN GIGLIO: So speaking of Jones Beach, because that's the beach that I grew up on, is there any plans for a substation nearby so that it's easier to tie into or build the high-voltage lines in order to get the renewables to a substation?
COMMISSIONER KULLESEID: There isn't.

There's no current plan. It is a park, though; obviously it's important we address this. You know, we have to look at whether we solarize Jones Beach on a building by building basis, right, so we put in smaller facilities linked to buildings so we don't need to be near a larger substation.

But it's a -- that is a challenge.

That was one that led us to do this at Robert Moses because we were closer to that substation than we are at Jones Beach. But there's no plan right now to build a substation.

ASSEMBLYWOMAN GIGLIO: Okay. And then as far as SHPO, the State Historic Preservation Office, which I deal with regularly, I mean they're a great agency and they really help in our historic downtowns and in our tourism areas. But they're very understaffed.

So is there any plans to get them additional help so that these projects -- so that they can take care of the state tax
credits that are offered so that people are
encouraged to keep historic structures on
revenue-generating buildings rather than --
and tying them with the federal tax credit so
that we can preserve more of these historic
structures, rather than them being torn down?

COMMISSIONER KULLESEID: Obviously our
SHPO, all the staff we have at the State
Historic Preservation Office are included in
our agency fill, so as we hire across the
state, and with this new flexibility in our
fill level, we'll be hiring at SHPO.

We also have had some staff turnover.

But, you know, I'm always amazed at the
volume of work that is done by that group
already. Right? I mean it's amazing that
the projects committee -- the number of
mega-projects they've delivered not just in
New York City but in Buffalo and -- as you
said, our downtowns across the state are
really put in position to be able to compete
with greenfield development because of these
tax credits.

So we share your enthusiasm for it
totally, and we'll make sure that agency gets
the resources -- that part of the agency gets
the resources they need.

CHAIRWOMAN KRUEGER: Thank you.

ASSEMBLYWOMAN GIGLIO: Thank you.

CHAIRWOMAN KRUEGER: Back to Senator
Tom O'Mara, our ranker on Finance.

SENATOR O'MARA: Thank you.

Good evening, Commissioner. Thanks
for being with us.

I've just got one quick question. I
don't see anything in the budget for a
project that's been talked about for a while
for Seneca Lake State Park, up at the north
end of Seneca Lake, in Seneca County just
east of Geneva, a public/private partnership
that's been worked on for several years now.

Where do we stand on that?

COMMISSIONER KULLESEID: You're
referring, I think, to sort of an extension
of our arrangement with the Sessler
Companies. As you know -- I don't have to
tell you -- you know, I guess we're three or
four years into it now. We have got a
phenomenally successful partnership with them at Sampson State Park, right, where they have expanded that and we've been able to expand camping, expand lodging, expand the facility, redo that marina. They are a great partner.

We are looking forward to building on that partnership at Seneca Lake State Park. And, you know, we are still sort of talking through the proposals at this point. You don't need to see -- you probably won't see a line item in the budget for that because it can come out -- whatever state share, if there's a state share, it could come out of our existing capital. But we're still talking to the Sesslers about what that looks like.

SENATOR O'MARA: Okay. Thank you for that update. Please keep me advised on what's going on. I do hear from the Sesslers from time to time, and I know what a fantastic job they did with Sampson -- and I think you agree -- and it would be a great improvement for the north end of the lake to Seneca Lake State Park.
So thank you very much.

COMMISSIONER KULLESEID: Good. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

And Senator O'Mara, I was trying to tell the timekeeper you got five minutes, but you didn't even need the three minutes, so you get extra-extra points. Thank you.

SENATOR O'MARA: I'm trying to earn some points back.

(Laughter.)

CHAIRWOMAN KRUEGER: You're getting points back.

Assemblymember Weinstein.

CHAIRWOMAN WEINSTEIN: Yes, we go to Assemblyman Smullen.

ASSEMBLYMAN SMULLEN: Thank you very much, Chair.

Commissioner, it's great to see you. A lot of my questions were asked and answered, thank you. But the one I didn't hear about, with my love of history, the 250th anniversary of the Revolution, the planning commission. How is that going? I'm
fully in support. I really want to get a jump-start on it so we can plan for it in these coming years to make it really special.

COMMISSIONER KULLESEID: I think, if I heard correctly, I believe the legislation creating the Revolutionary War Commission passed, maybe even today, that was -- that went -- whether it was chaptered during the last session. So that's really good news.

As you know, that is -- I and the commissioner of Education are the joint chairs of that, and we'll be -- we've actually started looking at names to put -- to populate that commission. I share with you your excitement. Obviously, you know, New York -- you know, the Revolutionary War started in Boston with that ride, and then ended at Yorktown, but by and large it was -- the struggle took place in New York, and state historic sites commemorate -- I think 30 of our state historic sites are involved in the Revolutionary War. So New York has a unique and pivotal role in both the war and also describing it.
So I am very much looking forward to building that committee. Like I said, we're already taking steps to form the commission. And look forward to working with you because I think there's obviously legislative delegates to that. Look forward to working with you all to build that for the future, because certainly, you know, it will be the next Governor's term to do it and I'm hoping obviously my Governor, Governor Kathy Hochul, will be leading us into 2026 and the 250th anniversary of the Declaration of Independence.

ASSEMBLYMAN SMULLEN: Thank you very much. I look forward to supporting it. I yield the rest of my time back. Thank you, Chair.

CHAIRWOMAN WEINSTEIN: Back to the Senate.

CHAIRWOMAN KRUEGER: Thank you. Thank you, Commissioner. I just have a couple of questions for you. It doesn't necessarily relate to parks, but rather the Historic Preservation office under your
authority, and you came out with a decision contradictory to the Governor's proposal for a Penn Station rebuild.

Now, I'm actually I think mostly on your side of this. Even though I want Penn Station rebuilt, I also don't want the entire community and all the other buildings and the neighborhoods run over.

So I'm just curious, you know, how this decision was made, and how are you approaching this now?

COMMISSIONER KULLESEID: So thank you for this opportunity, because it is an issue that's been in the press some and it's been out there.

So we this spring, because of the age of Madison Square Garden and One Penn Plaza, we did a review and decided -- and looked at it technically, and it is actually eligible for listing. Right? We did not list it. It's not listed on the National Registry. It's just eligible.

But that really doesn't mean anything about the future of Penn Station. Penn
Station, the whole -- the whole complex can be replaced with a brand-new transit center. It just requires our Historic Preservation Office to be consulted and brought on. And you'll see there are circumstances where something is removed and we may ask that it be interpreted, there's something people need to learn about the history of the first Penn Station, Madison Square Garden, the current one that replaced it.

But there's nothing in that designation that impedes the ability to totally reimagine that transportation complex. There's nothing at all in that designation.

You're on mute. You're on mute.

CHAIRWOMAN KRUEGER: Thank you.

The City of New York now has also said, through its City Planning Department, We're not sure about this whole thing. And I'm also glad that people who call themselves urban planners and city planners and people who have an appreciation for the importance of historic preservation and how sometimes
the City of New York has jumped too quickly
and destroyed too much in our need to grow
and modernize.

So I hope that you will continue to,
you know, participate with your expertise in
historic preservation. I know that -- well,
who knows after tomorrow. But I think -- I
don't represent that block, but I represent
blocks near it, and there's an enormous
number of respected community organizations
and urban planners who have been saying,
Okay, we have to take a deep breath here and
understand what we need to do and what we
maybe don't need to do and still to ensure
that we get a 21st century replacement for
the existing Penn Station -- because nobody
thinks what we have is good. In fact, we
never should have torn down the original,
because it was gorgeous.

So I look forward to, you know, other
department might have on
this issue.

COMMISSIONER KULLESEID: That's great.

No, our Historic Preservation Office,
I'm very proud of our historic preservation office, I think we are the most flexible, integrated group out there. I think we will be part of that process. Looking forward to helping, because no one on our staff wants to save Penn Station. It needs to be fixed. But obviously as you're balancing Madison Square Garden, you're also thinking about the historic assets on the block to the south. Right?

So it's a big, very large discussion, complicated, and we will be at the table the whole way through. Look forward to it.

CHAIRWOMAN KRUEGER: Great. Thank you very much. I cede the rest of my time.

And Assemblywoman, until another Senator surprises me and pops up, it's the Assembly's turn.

CHAIRWOMAN WEINSTEIN: Okay. So we go to Assemblyman Tague, three minutes.

ASSEMBLYMAN TAGUE: Thank you, Chairwomen. I'm going to be very, very brief because a lot of my questions have been answered as well.
Commissioner, thank you very much for giving us your time today.

I'm just going to pile on with everybody else with regards to the Park Police. I live within a stone's throw of Max V. Shaul State Park and Mine Kill State Park. Not only are they in my district, but they're within my hometown, home county. The folks from Park Police offered an extra line of defense, protection and safety during this COVID, and I just am in hopes that moving forward that we don't forget them and we realize how important they are to each one of our areas.

So like many of my colleagues that spoke today, I'm in full support of increasing the number of Park Police that we have in our parks and our communities.

Secondly, you know, I just want to say thank you again. One concern I have is the amount of money that we have budgeted for maintenance within our parks. Recently I was at Mine Kill State Park, and, you know, I noticed some areas there were some
maintenance issues. And I'm hoping that we're not letting maintenance slide in these state parks, especially now that there's an increase of folks coming to our parks. I think we want to make sure that they're in the best shape and best condition as possible.

We have -- I think somebody mentioned earlier, one of my colleagues, how we have such a unique and beautiful area across New York State, and I think our parks show that. I've been in many in the North Country, the Saratoga region, and then again in my home territory, and they are extremely beautiful and offer a lot to not just residents of New York State, but people that travel through New York.

So with that, sir, I'm going to let you comment. And I'll cede back the rest of my time, Chairwoman.

COMMISSIONER KULLESEID: Yes, so I'm going to share just -- I think you're right. I mean, I have friends from Massachusetts and New Jersey who come to New York State parks
because they're so much better than the parks
in their home states. So it's a high
standard and a high goal we have to -- in
terms of maintaining our parks.

Obviously the good news, having --
getting more staff and getting more budget
room is going to help us to make sure that
we're maintaining the parks. I will just
note that in particular the Mine Kill --
Mine Kill also is a special arrangement, as
you know, we have with NYPA, so a lot of that
funding comes from them. But I'm glad you
raised that point, because it is something we
need to do to make sure they're all in
excellent shape.

CHAIRWOMAN WEINSTEIN: So we move on
to Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you,
Chairwoman.

Thank you, Commissioner, for joining
us this evening. You and I spoke earlier
about the Park Police, and I really
appreciate the efforts that you're taking to
grow the police force.
But I have three questions that I'll stack up really quickly. One, last year we added a Small Projects Tax Credit to the Historic Preservation Tax Credit, and I'm wondering if you could tell us a little bit about how that's going.

Secondly, you talked about the capital monies going into improvements in the parks. Can you talk about what you're doing to improve our historic sites? In the face of the 250th anniversary celebration, what are we doing to enhance our historic sites?

And then third, on this subject of historic sites, is there a plan for the Susan B. Anthony House in Greenwich that we all contributed money to restoring?

Those are my three questions.

COMMISSIONER KULLESEID: Okay, just give me the code word for the first one.

What was the first one again?

ASSEMBLYWOMAN WOERNER: Small projects with the Historic Preservation Tax Credit.

COMMISSIONER KULLESEID: So thank you,
behind that. We've seen -- we wanted to expand the eligibility of that credit, make it more like an -- even better, more advantageous for those small projects that are key to upstate communities.

I'm not sure -- I mean, we obviously are implementing that change. I don't know exactly what the results are. We can get you what those results are right now. It's pretty early in the process, but I think we see it as something just going to increase the robustness of that program.

And then speaking about our historic sites, our historic sites obviously are part of the budget and we have opportunities to invest in -- particularly right now, but not only, our Revolutionary War sites. But I think you're going to hear great news coming out this year at places like Olana. And we're also working at some of the really leading sites downstate like John Jay and other places where we can -- we do have that ability to tell the stories of our Founding Fathers -- I guess we still call them the
Founding Fathers. I don't know if there may
be a better term these days. And we look
forward to continuing to invest in historic
sites as well.

ASSEMBLYWOMAN WOERNER: Great. And
then just lastly the --

COMMISSIONER KULLESEID: I'm sorry,
and the third one was Susan B. Anthony House.

So thank you, yes, and that's a
great -- obviously, as you know, the changes
that are taking place there. We would
love -- as you know, we'd love to have a
partner in there because it's remote from our
other facilities. But we are looking -- now
that it's stabilized, we're very excited
about the possibilities. We've made it
safer, and all kinds of possibilities. We
look forward to working with you. You've
been a great supporter of the work we've done
there, and we need to keep doing that work.

Thank you very much.

ASSEMBLYWOMAN WOERNER: Thank you very
much. And I look forward to working with
your Historic Preservation team on that
project. So thank you very much, and I'll cede back the rest of my time.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Brown.

ASSEMBLYMAN BROWN: Thank you, Madam Chair.

Good evening, Commissioner. It's great to talk to you.

My district happens to be -- I have no state parks, but I'm surrounded by -- I have Sunken Meadow, Caumsett, Sagamore Hill, Robert Moses and Captree. And my questions really relate more to park administration. And then I wanted to ask about some programs that we might be able to do, or what may or may not be done.

With park administration, you were talking about kind of introducing things that we're trying to accomplish out in the rest of -- non-park areas of New York. And I wanted to ask you about prohibiting, you know, plastic plates and utensils, installing water fountains that fill up, you know, with bottles, the modern type of water fountains,
and also setting up the state parks with the ability to recycle compost and nonrecyclables -- you know, the multiple rubbish containers.

And then I wanted to ask you about programs like what we could do in terms of possibly working with, you know, some type of partnerships working with the parks to seed clams and oysters and scallops down on Long Island in some of those areas to improve water quality and also serve as educational programs for children.

And then finally, I'm a big proponent of scouting. My three boys are involved with scouting, and we love to visit the state parks upstate, particularly Harriman is a popular one. But -- Sages Ravine. You know, we -- I echo what Assemblymember Giglio said before, relative to that the parks were such a lifesaver during COVID.

So those are my questions, and I will yield the rest for you to answer. Thank you.

COMMISSIONER KULLESEID: So on the plastics. So single-use plastics, we have a
policy on single-use plastics. We actually
prohibit -- we don't allow our
concessionaires to do that anymore. We've
moved on for that, so we actually have a
pretty strong policy on single-use plastics.

Obviously we don't stop people from
bringing it in themselves, but we do -- we
do -- and then we take out -- again, I just
going back to an earlier question, right. We
take our responsibility for modeling good
behavior seriously. Right? So that's what
we want to do.

The water stations idea I think is
great. Certainly I've been in airports
recently and having those water stations is
great. We -- we can get back to you. We
should have some kind of way of starting to
replace our water stations with those really
modern water stations. That's the only way
we're going to get rid of plastic bottles, if
we do it.

And then composting, I get it. We'll
have to get back to you. I think we may use
it in limited circumstances, but this creates
the question of managing the composting.

And then you asked about seeding
clams. You know, I'd be curious as to what
kind of ownership we actually have on ocean
bottom and things like that. We obviously
have the beaches, but in many of those cases
the ocean -- the bottoms of it are owned by
OGS. But I think if there are places for us
to do that, I think it can be very exciting.
Right? In Nissequogue or Sunken Meadow,
those places where you have a bay and so we
could do that kind of thing. And I think
something like that would be very exciting.
It's actually kind of a great idea.

And then back to you and the scouts, I
mean, you know, '20 and '21 were stressful
years for us, particularly '20 before we knew
how the -- you know, what the characteristics
were of this pandemic, of this virus. But,
you know, we hit record visitation in 2020.
And it is a measure of when people had
nothing else to do, when they couldn't go to
the theater, couldn't go to the restaurants,
couldn't do all the things they'd like to do,
they could come to parks and enjoy themselves
and be healthy.

And it was gratifying to me as an
honor to be able to stay open during all
those times and serve the people of the State
of New York and provide a little measure of
sanity in an insane situation. Right?

ASSEMBLYMAN BROWN: Thank you very
much.

CHAIRWOMAN WEINSTEIN: We go on to
Assemblyman Englebright.

ASSEMBLYMAN ENGLEBRIGHT: Yes, thank
you.

Commissioner, first let me just say
you're doing a great job, and you make us
proud. And the service that you've provided
during these two years of COVID have
continued to make many of the people of our
state feel optimistic for the future through
the management of our parks. So thank you
for that.

COMMISSIONER KULLESEID: Thank you.

ASSEMBLYMAN ENGLEBRIGHT: As you know,
the ZBGA program is tied to State Parks
because you, through the Natural Heritage
Trust, help oversee this parallel system of
parks that is in terms of its breadth
goingraphically across the state is analogous
to and similar to the state park system that
you directly oversee.

In the beginning, the ZBGA program had
a capital program. Does it still, or is it
mostly program and general operating support?

COMMISSIONER KULLESEID: At this point
it is all about operating support. You know,
many of those institutions that come into our
grants program for capital support, right,
through our municipal grants program for
nonprofits, but no, that is really a pure --
an operating subsidy. It's an operating
payment to help cover the costs, as you know,
of caring for living collections.

ASSEMBLYMAN ENGLEBRIGHT: So I just
wonder if you would be open to exploring the
possibility of a capital program. You've
been very successful and appropriately
aggressive in searching for capital
improvements for the state parks system. I'm
just wondering if you might be willing to explore perhaps even a matching-grant-format subprogram within the ZBGA for capital investment and improvement of buildings that serve the public there.

COMMISSIONER KULLESEID: You know, I can't speak to that.

Here's what I can say. Yes, we could manage it. It would make sense. Obviously we've had ZBGA for a long time, and we have longstanding relationships with the 92 recipients of that funding.

We do have, obviously, an existing program that has four categories, right. It has park development, park acquisition, historic preservation and heritage areas. If a new category would be created, you could create a new category there, you could create a new category of the ZBGA. Obviously if that was enacted at some point we would be more than honored to carry out its priorities. And it's something we're very well prepared to do.

And those grants programs, you know,
are so vital because often the state grant is
the lead grant that then draws in the private
funding that's required to follow through.
So, you know, it's certainly something we
could work on.

ASSEMBLYMAN ENGLEBRIGHT: Thank you
for your response. It wouldn't be the first
time. At the point of beginning, when the
program was first set up, there was a capital
component. Gradually that was replaced by
what we have now, which is very, very
important, as you rightly suggest.

So let me go to another capital
investment funding question. Many of our
state parks -- and of course you're the state
historic preservation officer, as you are
also our commissioner. Many of our important
structures, many of which are on the
National Register, are vulnerable to fire.

I watched with great angst this year,
as I'm sure you did as well, as fires ravaged
many of the parks in our Western sister
states. Hundreds of structures were burned
to the ground. We're wetter than they are,
but that doesn't mean that we're not vulnerable to vandalism -- some of those fires were set by vandals -- and so it's within the context of being prepared and looking ahead.

I wonder if you might be open to a discussion of planning for gradual capital investment for fire suppression and sprinkler systems for certain of our most important public buildings and nationally significant architectural gems within the park system.

COMMISSIONER KULLESEID: Thank you for pointing that out. Obviously a lot of our infrastructure predates the days when sprinkler systems were required.

So obviously we've taken some steps. I think Olana has a sprinkler system, and we are about to put in -- install a sprinkler system at John Jay Historic Site in Katona, which also has an invaluable collection of treasures from the Jay family. So it's certainly something, as everything, going forward.

So we're actually doing that, I should
say. You know, we are doing that as part of our capital program. We continue -- we are acutely aware that we have treasures across the state that are irreplaceable. And so we are doing it ourselves.

And happy -- and, you know, let me -- I'm glad you raised that, because it raises an important point about the money that's been allocated. You know, there's going to be -- there will be sort of big-picture, you know, beautiful projects done, but a lot of that money goes to exactly what you're talking about, retrofitting historic structures, making sure that we have the water systems, the wastewater treatment, all these systems that are very antiquated at this point, and making sure we're updating them so we can preserve and position our entire park system for the future.

So I appreciate you pointing it out, because a lot of it is just basic infrastructure, protection of resources.

ASSEMBLYMAN ENGLEBRIGHT: Well, you by instinct, I think, have already pointed us in
the right direction on this. If there is a way for the Legislature to reinforce that initiative that you've taken -- and indeed, I suspect -- I haven't done a survey of our other sister states, but I suspect that you are ahead of the curve of many of our sister states as well. If there's a way for us to work together on that, I would welcome a chance to collaborate with you and to plan to make sure that we don't suffer terrible losses of our national and state heritage.

Thank you again for your good work.

Appreciate it very much.

COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

So we go to Assemblyman Burdick, who is the last questioner for the Parks commissioner.

ASSEMBLYMAN BURDICK: Thank you, Chair Weinstein.

And thank you, Commissioner. And my family and I just love the state parks. We frequently hike them, and we commend you and your staff on maintaining them so well and
improving them. And please keep up the good work that you're doing, the investments. They're just gems that help make New York the wonderful state that it is.

I wanted to voice my support for Senator Mannion's pitch regarding creating trails that are accessible to persons with autism, and would encourage you to expand those to other parks where it's appropriate.

I also wanted to support what Chair Englebright just talked about with respect to capital programs for fire protection. And in fact your department was responsible for helping funds to the John Jay Homestead, which is in my district. And that was hugely important because that would have gone up in an instant if fire had hit it.

And, you know, perhaps an inventory of those gems that do need to have attention given to them, just an assessment, some kind of condition assessment, might be a good way of approaching it. And wondering whether you might be open to that.

And I would love to join with
Chair Englebright and you in developing something along those lines, because I think we've got a lot of -- you know, then -- and they could well be taken care of as part of what you normally do, but would be very interested in following that.

I'm wondering -- I believe that Spectrum Industries, though not in my district, actually now is supplying the gift shops at the state parks. Do I have that right? They support -- they employ people with disabilities?

COMMISSIONER KULLESEID: You know, thank you for highlighting that. It's a great new partnership. We now do some sales of our own merchandise -- clothing and glassware and other sort of --

ASSEMBLYMAN BURDICK: I just want to thank you for doing that. I think it's terrific. It's providing employment. They do a good job, you know, and --

COMMISSIONER KULLESEID: And employ people on the spectrum, right? I mean, it's really --
ASSEMBLYMAN BURDICK: Exactly right.

COMMISSIONER KULLESEID: It's a great business, yup.

ASSEMBLYMAN BURDICK: And was that arranged through the New York State Industry for the Disabled, would you happen to know? I'm just curious.

COMMISSIONER KULLESEID: You know, I don't know how that -- we had to put out an RFP, it was an RFP. And they responded to the RFP and they were --

ASSEMBLYMAN BURDICK: Okay, that might have been what it was.

One last question. Do you have a legislative liaison for SHPO? One of my towns has a matter before them, and I just wanted to check in on it and see how it's proceeding.

COMMISSIONER KULLESEID: They --

ASSEMBLYMAN BURDICK: Perhaps if -- perhaps if someone from your staff might be able to provide me the appropriate contact, that would be terrific.

COMMISSIONER KULLESEID: So what I'll
do is I'll have our deputy commissioner for
intergov, Meagan Fitzgerald, have her get in
touch with your office, and she'll point you
to the right person at the State Historic
Preservation Office. There are plenty of
people over there who talk to legislators all
the time. So yeah, happy to.

ASSEMBLYMAN BURDICK: That's super.
Thank you so much. And you're doing a great
job.

COMMISSIONER KULLESEID: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: All right,
we'll send it back to the Senate to call our
next witness.

CHAIRWOMAN KRUEGER: Thank you very
much, Assemblywoman.

All right, we are on our last
government official for this hearing,
New York State Department of Agriculture and
Markets Commissioner Richard Ball.

I'm assuming Richard's here somewhere.

Richard?

COMMISSIONER BALL: Senator, how are
you?

CHAIRWOMAN KRUEGER: Oh, good.

Welcome. This is sometime in the afternoon. We got to you.

And you know the routine, you've been a commissioner now for quite a while. So we all have your testimony, but if you could summarize your key points in 10 minutes, then we will ask you questions.

COMMISSIONER BALL: Sounds great. And I would suggest that maybe you're all getting ready for a career in agriculture, you know, being willing to stay until the job is done, right?

CHAIRWOMAN KRUEGER: That's right.

COMMISSIONER BALL: I can do it in five minutes, if you don't mind.

So I originally was going to say good morning, but I'll say good evening, Chairwoman Krueger, Chairwoman Weinstein, Senator Hinchey, Assemblywoman Lupardo, members of the agriculture committees, and elected officials. I am honored to present my testimony on the fiscal year 2023
Executive Budget for the Department of Agriculture and Markets.

This year's Executive Budget recommends $273 million for the department, allowing us to continue our fundamental work and to build exciting new programs that will drive New York agriculture forward.

The proposed budget makes significant investments in the agricultural industry unlike anything we've ever seen. This includes a robust tax credit package that will offset increased costs to farmers, helping them to both support their workers and meet food production goals as they face continued challenges, including from COVID-19.

I am proud of what New York agriculture has accomplished during the pandemic to ensure that the food supply chain stays open. A big part of this work is the Nourish New York program. So far, Nourish New York has helped food banks to purchase 43.7 million pounds of products from New York producers. This translates to 41 million
meals for families in need and financial help
for more than 4,000 agricultural businesses.
We're excited that Governor Hochul has
proposed $50 million to continue this
program.

Expanding programs like SNAP, the
Farmers' Market Resiliency grant program, and
the Urban Farms and Community Gardens grant
program will additionally make local food
accessible to more residents. Plus, moving
the School Lunch Program from the State
Education Department to our department will
better connect schools and farmers and boost
local production.

The Executive Budget also increases
funding for Agribusiness Child Development
Centers, which had to close their doors
during the early days of the pandemic,
leaving our essential farmworkers facing
difficult choices when it came time to
balance work and childcare. The budget's
historic $13.5 million investment in these
centers will help support farmworker families
and keep New York's agricultural industry
working as the pandemic continues.

Lending further assistance to farmers and their families, the Governor has committed critical funding to bring more farming opportunities to New Yorkers in historically marginalized groups. Members of the department's diversity and racial equity listening sessions outlined several recommendations to help us better address underrepresentation in agriculture. I'm encouraged that the Executive Budget will help us take steps to advance this important work.

Another noteworthy inclusion in the Executive Budget this year is the Companion Animal Capital Fund. Governor Hochul has dedicated $5 million to revitalize the animal shelters that care for our dogs and cats, recognizing the Legislature's longstanding commitment to this program and highlighting the importance of these shelters to our communities.

The Great New York State Fair will also be invigorated by a $33 million
investment for planned infrastructure projects and improvements to the fairgrounds. This is in line with Governor Hochul's effort to provide an enhanced experience for fairgoers and strengthen educational programming to make the fair a real showcase of New York agriculture.

Further supporting the agricultural industry, the Executive Budget proposes $43 million in local assistance for key programs focused on research, education, workforce development, marketing, and more. This is a significant increase from last year's budget, thanks in part to the opportunity to reinstate funds for the Taste NY program at the department. Governor Hochul is also expanding the NYS Grown & Certified Infrastructure, Technology, Research, and Development grant program to help producers adopt state-of-the-art food safety and environmental practices and help them better meet demand.

And last, but certainly not least, we also continue to aggressively tackle climate
change. Thanks to the Governor's proposed $400 million investment in the Environmental Protection Fund, we will see a meaningful expansion of several programs, including Farmland Protection, Cornell Soil Health, the Soil and Water Conservation Committee, and the Agricultural Non-Point Source Abatement and Control program. In addition, the Climate Resilient Farming program will receive an increase from $4 million to $17.5 million, helping farmers further their efforts to combat climate change.

We have a lot to be proud of when it comes to New York agriculture, yet there is more work to be done. We look forward to hearing your priorities and working with you to strengthen the agricultural community.

So thank you.

CHAIRWOMAN KRUEGER: And our first questioner will be Agriculture Chair Michelle Hinchey.

SENATOR HINCHEY: Thank you very much, Madam Chair.

And hello, Commissioner, it's great to
see you. Thanks for joining us tonight, and
thank you for your testimony.

My first question -- you know, I was
really excited, I know many were, to see the
move of the school food program from SED to
Ag & Markets. Can you talk a little bit
about why Ag & Markets -- how you're equipped
to handle that, why it's you think the best
place for it, and how other states have seen
their production improve.

COMMISSIONER BALL: Well, sure.

Let me just start by saying that we
definitely have today -- for me, at the
Department of Ag & Markets -- a new era of
collaboration with State Education that we've
never had before. We've worked together on
farm-to-school efforts, we've worked together
on No Student Goes Hungry. Commissioner Rosa
and I have -- talk often. I don't think the
department has ever had a better relationship
with that department.

I brought her virtually with me to
Cayuga Milk Marketing in Auburn, New York, to
meet with the Dairy Think Tank, to look at
processing facilities and look at how we
could identify career paths. I went with her
down to the Bronx to C.S. 55 to see the Green
Box Machine, talk about the needs to connect
our young people with food in a better way.
We talk often; our teams talk often. It's a
great relationship.

So for me, I think back to Farm to
School. It was some 25 years ago when I got
dinged to be a part of a volunteer to be the
farmer on a committee at my local school,
Schoharie Central School, and it was
concerned with obesity and children before
the age of five years old. And I thought,
what are we talking about here? I don't
understand this. But it was real.

And then I walked around the corner
and talked to the school nutrition people,
and I noticed there was not one thing on the
menu that came from New York State. There
was not one thing on the menu that came from
my valley, the Schoharie Valley you've been
to, one of the most productive
vegetable-growing areas in the state, top ten
soils in the world. And I said, why is this? How can this be?

It bothered me that we weren't growing food for our own students, but it bothered me more that those students were going to grow up, they were going to leave Schoharie and not know what was an opportunity for them in the food system two miles down the road from that school.

We've always made decisions, you and I in our lives, based on value -- when we buy a coat, we buy a car, we buy a house, we buy a pair of shoes. When we buy food, we make a value-based decision. And when it comes to feeding our children in schools, we make an economic decision. We tell the school board or the school board tells our school nutrition people in the cafeteria: Break even. Break even. Use USDA funds and, you know, get Department of Defense surplus, and we'll fund you enough to break even.

And I think we've got to change our thinking about our kids. It's about feeding our kids high value. Right now with the USDA
program, millions of dollars come into New York State to feed our kids through the school system. Most all of that money comes into the state and is spent outside the state procuring food. I think we need to do a better job making sure that that money stays in New York, helps our local economies, and helps children identify a career path.

So I think we have a great opportunity here. We work closely with USDA, it's a USDA program. Through our linkage to the agricultural communities through our farm-to-school efforts, through our work with the School Nutrition Association who operate the school nutrition program, to the various commodity groups, I think we can keep more of those dollars in New York State and in our rural economies, and also connect our kids to the food system. I think we'll have better health outcomes and I think we're going to have better economic outcomes in our rural communities.

SENATOR HINCHHEY: Thank you very much.

Switching gears for a moment, we know
and you know the average age of a farmer is increasing almost yearly, and connecting our soon-to-be-retiring farmers with new farmers coming into the industry is incredibly important. And one of the organizations that does that really well is Farmland for a New Generation.

We saw that this funding was cut in the Executive Budget. Can you speak to that briefly and talk about why that funding is so important?

COMMISSIONER BALL: Well, you're quite right on the average age. It's actually 57. That's the average age of a farmer in New York State.

That's not all bad news, though. I was able to call my mom and tell her that I was finally above average, so.

The American Farmland Trust and Farmland for a New Generation, they're great partners. We work with them on lots of different energies and lots of different projects and talk with them pretty much every week.
This was funding that was added last year by the Legislature. It was not in the Executive Budget. And -- but they're great partners. They help us with solar and they help us with land. They've been great partners with us in our diversity work as well. So great partners.

SENATOR HINCHHEY: Thank you. You know, we know already that we have underserved farms, especially economically. All of our farms are tied, both federally as well as through big corporate entities, and not be able to set your own prices for food. And we know with the Wage Board's decision that came out, that's part of the reason why in this budget the Executive proposed the Overtime Reimbursable Tax Credit.

Can you also briefly touch on why that is such an important element for our farmers and for our farms here in New York State?

COMMISSIONER BALL: Sure. I would say that the labor shortage that we're experiencing all across the country right now, and certainly in agriculture, certainly
here in New York State, is real. It's probably not over, and I expect it's going to be long-lasting.

I think we need to remain focused on ensuring the needs of our ag community, that's our job here, the workers and the community's needs, that they're met statewide. So I'm encouraged by the investment in agriculture by the Governor here. You know, three pretty robust tax incentives, a 20 percent investment tax credit, moving that up from 4 percent, and doubling the Farmworker Retention Tax Credit; a permanent refundable tax credit on overtime hours. I think those are three strong signals that she is sending to our agriculture community that they matter.

This is without a doubt, looking across the budget -- and we'll talk about that in the next little bit here -- but this is the most significant investment in agriculture in New York State in history. It's the biggest budget I've ever seen. Biggest in my experience as a farmer in
New York State.

So I think that regardless of what happens with the Wage Board decisions -- we know they've made a recommendation -- that continuing to reassure the agricultural community, particularly in a time of pretty dramatic uncertainty -- with COVID-19, with what's going on around the world and the country -- we need a food system that's responsive and resilient right here in New York, and I think our budget demonstrates that.

SENATOR HINCHERY: Thank you. And another question. Ag & Markets put out a "Diversity in Agriculture" report that recommended a $10 million investment to increase diversity in farming. But what we saw in the Executive Budget was about $150,000 in new funding going towards BIPOC farmers. Can you talk a little bit on what we should be doing there, and do you think that a $10 million grant program for BIPOC farmers to be created, would that help get to the goals of the "Diversity in Agriculture"
report?

COMMISSIONER BALL: Yeah, that report listed what we heard from a group of people that we called in based on friendships and friends of friends. It was a great exercise. We listened. I think the first thing to do was listen.

But I think there's more in various other programs we've got going on to contribute to the cause. First and foremost, you know, what we listened to and centered the discussion around was access to land, access to capital, access to training, and then navigation. So COVID-19 kind of blew up on us right in the middle of all that work.

But we've got funding in there and here at the department to replace the staff that we lost during COVID-19, to help us be the navigation point going forward, to interact with the listeners that were part of the workgroup. And when I say listeners, I'm talking about the banking industry and Cornell, the land grant schools, our high schools, our ag schools, and the Farmland
Trust was also a part of that.

There's programs happening in various places nested around in there. And I think, first of all, connecting to the disconnects, connecting to the banking system, the small farms training programs and those opportunities -- American Farmland Trust. Then I think we'll make better use of the funding.

But that's definitely in the report. There's 18 other recommendations in that report. And I think we just have to be thoughtful about how we implement them.

So going forward, first of all, we've got our staffing getting back in place. We're ready to hit the ground running here. Thank you for that question, though.

SENATOR HINCEY: Thank you very much.
I'm out of time.

CHAIRWOMAN WEINSTEIN: We go to the Assembly chair of Agriculture, Assemblywoman Lupardo, 10 minutes.

COMMISSIONER BALL: Assemblywoman, I'm not hearing you.
CHAIRWOMAN WEINSTEIN: We're not hearing. We need you to --

SENATOR HINCHHEY: Try the button on the bottom of the computer screen. That's what gets me. There's usually a little microphone with a light.

CHAIRWOMAN WEINSTEIN: Donna, try logging -- we are not hearing you. We've been having a number of problems with members. You may have to log out and log back in. We had the same issue with Assemblywoman Buttenschon. If that doesn't work, we can get tech up to help you.

So while the Assembly --

(Overtalk.)

CHAIRWOMAN KRUEGER: Sorry. You want to continue, Helene?

CHAIRWOMAN WEINSTEIN: Yeah, we'll go to Assemblyman Tague, the ranker on Ag, and then we'll come back to Assemblywoman Lupardo.

ASSEMBLYMAN TAGUE: Well, thank you again, Chairwomen. It's been a long day.

Commissioner, it's always good when I
have to come to Albany to see you and you're
my neighbor.

COMMISSIONER BALL: I know it.

ASSEMBLYMAN TAGUE: But I appreciate
everything that you do for agriculture. It's
an honor and a pleasure to work with you.

Just a few brief things. You know, I
think that it's important that everybody
understand -- we keep bringing up this
terrible tragedy with the pandemic, but the
state of agriculture was not very good prior
to the pandemic. And a lot of those are --
we've put our farmers in what I would call an
unfair playing field. And I think that we
realized during the pandemic that those
issues exist.

And I want to start off with the
Wage Board. I appreciate the Governor
offering the tax credit, but to be quite
honest -- there are five or six of us that
are on this call that have been farmers or
are still farmers. We need to be honest.
That tax credit is not going to make up for
the cost that labor is going to cost these
folks. And there's not going to be an increase that these farmers are going to get paid for their product, because that's decided by the market.

You know, I -- Commissioner, I don't know what your feeling is on the Wage Board decision, but I would hope that you have the Governor's ear, as it was only a recommendation. She has the final say. I don't think that the time is right now to lower the threshold.

Secondly, I want to quickly talk about the Nourish New York program. In its small bit of time here since its inception, I know that we've budgeted 50 million. I have actually asked for an increase up to 100 million. I think it's a very important program.

And I actually have a bill in the State Assembly, it's been there since 2021, it's called the New York Food Insecurity, Farm Resiliency and Rural Poverty Act. And what that does is along with that Nourish New York program, it has infrastructure
improvements for food banks and farms, cold storage equipment for local food pantries and nonprofits. It also helps for funding with transportation equipment, personal service cost assistance, purchasing assistance for regional food banks to buy just New York agricultural goods. And it also has grants to assist farmers, veteran farmers, disabled farmers, and anyone who would want to enter or remain involved in New York agriculture.

I wondered if you had heard about that bill.

COMMISSIONER BALL: I did read it.

ASSEMBLYMAN TAGUE: Oh, okay, great.

COMMISSIONER BALL: Yeah. Yeah.

ASSEMBLYMAN TAGUE: So I guess -- just finishing up because we're going to run out of time and I want to give you enough time to answer. In the short time that we've had this Nourish New York program going, what has been your feeling of the greatest strengths and possibly the greatest weaknesses? What can we do better? Besides get my bill to the floor and pass it, what else can we do,
COMMISSIONER BALL: Well, thank you. I appreciate your thoughts always. I think that with relationship to the state of ag, if I can go back to that, I think we're -- you know, we've had an uneasy economy for a long time in upstate New York. We've been insulated from the ups and downs that the rest of the world has suffered through or had. But I think our greatest opportunity, as I look at it, is the fact that we've got good land, good farmers. We rank top 10 in the country on 30 different commodities. We've got the best land grant system for ag education in the country. We've got access to water. And we live, you know, a few hours away from the biggest marketplace in the world, the most diverse marketplace.

And so for me, you know, at the Department of Ag, I think our mission is to work very hard on connecting the dots between those two. So, you know, we're building a food hub in the South Bronx right now,
New York State Grown & Certified food hub to take local New York product, distribute it in the five boroughs down there. I got to put a shovel in the ground last spring, and I got to sign the last beam going on top of it here this fall. It's pretty exciting.

I think that demonstrating an investment -- and COVID-19, you know, I know we're all feeling done with COVID-19. I'm not sure COVID-19 is done with us yet. But one thing it did, Assemblyman, was shine a very bright light on the food supply chain, both ends, and the challenges that are there. Challenges that, you know, you observed. So I think with that light being shone so brightly on it, I think we're compelled to act.

We do have in the budget a New York State Grown & Certified infrastructure grant, and it's -- there's three different pieces to that that deal with helping farms upstate to accommodate the demand for what's needed downstate. There's $5 million there over three years. There's half a million dollars
in various stages of that grant.

So I think those are ways that will help us connect the dots in a better way. But thank you for your observations, and great question.

ASSEMBLYMAN TAGUE: Thank you. Thank you too, Commissioner. I really appreciate it.

CHAIRWOMAN WEINSTEIN: So we'll go back to the Senate and then we think Assemblywoman Lupardo should be good to go when we come back.

CHAIRWOMAN KRUEGER: Very good. So we're going to pass it to Senator Tom O'Mara.

COMMISSIONER BALL: Senator.

SENATOR O'MARA: Thank you. Good evening, Commissioner. It's good to see you. Thanks for being with us late this evening.

A couple of issues I'd like to talk to you -- one we talked with Basil Seggos a little bit earlier about, and that's the solar farms and farmland. I have concerns
with, you know, some of the things I've seen across the Southern Tier and in the Finger Lakes region on the solar farms becoming more prevalent, encroaching upon our using agricultural land. And in conjunction with the recently approved Farm Wage Board reducing minimum wage, and a lot of the testimony at those hearings from farmers that just in response to the lowering of the overtime wage threshold they may be cutting back on their farm production, whether it's the crops they grow or whatever, in order to limit the need for that many man-hours, because it will be too expensive. And these solar farms will present an opportunity for those farmers to make some revenue on the land that they may not be using because of the impacts of the overtime threshold.

What is the state doing, what are you doing with regards to these issues on -- how are we going to preserve this farmland when it may be the costs of production and farming in New York are going to be much higher with the overtime, from keeping farmland from
going to be covered with solar panels?

COMMISSIONER BALL: Yeah, that's
definitely the issue of the day. Certainly
the decade, probably.

I remember when the first solicitation
for solar projects landed on my desk at home
on the farm, and here at the department. I
remember calling up Farm Bureau, and I said,
you know, "What's your policy on solar
development?" And they said, "Well, we don't
have one." And really, you know,
Farm Bureau's kind of conflicted because
there's private property rights, there's
landowners, and there's the right to farm and
the concern over production agriculture on
the other side.

So we're trying to balance that.

We've had pretty dramatic conversations with
NYSERDA about avoiding our top four tiers of
soil. And as you know, 60 percent of our
land that's farmed in New York, 60 percent of
7 million acres, is leased land, it's rented
land. So it's vulnerable to, you know, a
developer wanting to, you know, get a better
lease deal for the landowner there. So we worry about that and making sure we have the foodshed.

We have a pretty historic investment in farmland preservation, as you know. That's another option for a farmer. We are increasing that to 20 million this year. We're looking at a successful dairy transitions program there, and the non-dairy transitions program there, shifting over to an RFA process that will speed that along.

But I think, you know, the biggest concern I have about our agriculture in the state is really the uncertainty that we're facing. Hopefully with this budget we're going to link some security and some certainty going forward here. That's certainly our effort.

I will say also that we have put together a Farmland Preservation Workgroup, which is -- it's county people, it's farmland preservation groups across the state, municipalities, farmers. And it's the agencies that have a piece of this -- ORES,
Ag & Markets, NYSERDA, DEC. I get to chair
that, and we're hearing those concerns
brought up. We're bringing in developers,
we're bringing in American Farmland Trust,
among others, to talk to the group and
educate them and help us figure out the best
way forward.

But we're definitely concerned
about -- we don't want to have a loss of
farmland.

SENATOR O'MARA: Yeah. No, I agree.
Well, I'm glad you're focusing on it and
paying some attention to it.

And in my remaining seconds I just
want to make sure I put another thing on your
radar, which I'm sure you're aware of, and
that is our -- and there will be more
discussion in the panels coming up on
recycling and extended producer
responsibility. And our wineries in the
Finger Lakes region are becoming increasingly
concerned that they're not being heard with
their concerns over entering into this and
what will be a very costly endeavor for them.
So if you could just keep that on your radar and take that back with your discussions, I would appreciate it. Thank you.

COMMISSIONER BALL: I did get an earful of that, actually, at the Ag Society meeting, and I elevated it immediately. So we'll have more to say about that. Thank you for --

SENATOR O'MARA: Great, thank you. Have a good evening.

COMMISSIONER BALL: You too.

CHAIRWOMAN KRUEGER: Thank you.

Back to you, Assembly.

CHAIRWOMAN WEINSTEIN: Okay, I think -- hopefully Assemblywoman Lupardo is good to go, 10 minutes.

ASSEMBLYWOMAN LUPARDO: Okay. Can you hear me now?

COMMISSIONER BALL: I can.

ASSEMBLYWOMAN LUPARDO: "Can you hear me now?" Hey, fantastic.

Well, good evening, Commissioner.

Thanks for sticking with us today. I want to
follow up on a couple of things.

You're certainly right to point out -- and congratulations, by the way, for such a good ag budget this year. I think we've all been working very hard to try to elevate agriculture, and I think we're accomplishing something with this budget.

But you mentioned the Climate Leadership and Community Protection Act and also the additional funding that has come in through the resilient farming as well as the Soil and Water Conservation Districts. Let's just talk about those two first before we go back to CLCPA.

Thirteen million dollars more for climate-resilient farms, 4 million more for soil and water conservation. What do you see, what do you envision us doing with that funding?

COMMISSIONER BALL: Well, as you know, the CLCPA created the Climate Action Council, which created, then, work panels. I have a seat on the CAC, but I also chaired -- had the good fortune to chair 18 very bright
people on the Ag and Forestry Work Panel. They were researchers, they were farmers, they were forestry people, ag people, and environmentalists as well. And we came to consensus about a scope of work that agriculture could undergo.

And actually the good news about agriculture is we can be part of the answer here. We're not just trying to reduce things, we can actually sequester carbon in addition to reducing greenhouse gases. So we've got a really good scope of work which we had total consensus of in our work panel.

So how's that going to get done? Well, first of all, it's the soil and water, the statewide committees there, they're the people that provide the technical expertise and the funding and the programs to help farmers in their regions to do the work that it's going to take to reduce their carbon footprints in New York State agriculture.

So we lean on them more and more every year, and they respond more and more every year. I can't say enough about the soil and
water conservation committees as a whole.

High energy, high knowledge, high resources.

And our job is to make sure they do have

those resources to do the work:

$17.5 million from climate resiliency is

going to help farms take those steps that

ey're going to need. It's been

overfunded -- I should say oversubscribed

every year since we started that. I remember

one year walking around New York State, we

had the worst drought in history. The

following year we had the wettest year on

record. The Climate Resiliency Farming

program can help farmers mitigate both those

extremes.

And as we look forward to, you know,

this climate challenge and greenhouse gas

emissions, et cetera, we need to do more of

that. Because the benefits that we saw from

a decade of great programs, largely designed

to protect water quality, largely designed

around environmental benefits, also have that

other great co-benefit of helping us with

carbon and soil health and mitigating
greenhouse gases.

So that's why those two things are
critical. And that's how they're going to
work.

ASSEMBLYWOMAN LUPARDO: You see those
as the most important strategies,
agricultural strategies coming out of the
CLCPA, or are there some other items as well?

COMMISSIONER BALL: Oh, there's pages
of items. You know, the scoping plan -- I
invite you to take a look at it -- there's an
awful lot on the forestry side with our DEC
partners there, and there's a great amount of
effort that we can achieve there in carbon
sequestration.

On the agricultural side, you know,
methane mitigation, enteric fermentation,
digesters -- there's a whole list of really
great things that we can work on. I can
share that with you if you'd like.

ASSEMBLYWOMAN LUPARDO: No, I think I
can put my hands on that, thanks.

Let's go back to the overtime tax
credit issue. So if that were to go into
place this year, then farmers would be able
to apply for that credit based on the current
overtime threshold; correct?

COMMISSIONER BALL: My understanding
is that if there's a lowering, that that's
when it kicks in. But those are details I'll
have to get for you.

ASSEMBLYWOMAN LUPARDO: I see. I'd
appreciate knowing that.

I think many of us are beginning to be
concerned that farmers might in fact need
direct aid to cover this cost when the time
comes --

COMMISSIONER BALL: -- 2024.

ASSEMBLYWOMAN LUPARDO: Excuse me?

COMMISSIONER BALL: That would take
effect in 2024, I believe.

ASSEMBLYWOMAN LUPARDO: Yes, in two
years.

So there's just some worry that the
margins are so small that they may not be
able to wait for the tax credit. So I just
wanted to flag that, obviously. And as we go
down the stretch in years to come, it could
become even more urgent.

Obviously, you know, my thought's on this that, you know, we're surrounded by states that aren't following this policy -- as well as the federal government that is, you know, working under very old wage rules. So I think farmers are going to probably need some assistance on a number of measures, in a number of ways, in order to help them get through that. But we have time, obviously, to go through that further.

Could we go back to the topic that Senator Hinchey raised with the Diversity and Racial Equity Working Group? I'd like to hear a little bit more about -- you alluded to the fact that there are other places that we would be able to tap. I mean, obviously really appreciate the funding for the Black Farmers United, really appreciate your actually putting on budget Cornell's Equitable Farm Futures and putting that one FTE in for BIPOC farming engagement.

But we were just still a little confused with the report, you know, asking
for setting aside a $10 million goal,

wondering where might we add some additional

resources. So, you know, I was just curious.

You know, we're talking about the

recommendations on access to land, access to

capital, education and training as well as

infrastructure and resources. So just

curious if you could point us in some other

places where that group might be getting

assistance.

COMMISSIONER BALL: Sure. We're

putting $50,000 into MANRRS, which is

minority students interested in careers in

agriculture and natural resources. We have a

chapter at Cornell. We're looking at

increasing chapters across the state at some

of our other land-grant schools.

Those are young people in college now

looking for careers in the agricultural

world. I was on the phone last night

nationally with the MANRRS chapters. We're

bringing them, we're sponsoring some of them

to come to the Winter Policy Council in

Washington, D.C., for the state departments
of agriculture. A great group of young people.

We've got the -- you mentioned the Cornell Small Farms Equity and Justice Program. There's $100,000 there. Great effort there.

There's $800,000 in the Urban Farms and Community Gardens Grant Program. So we're connecting not just upstate land but also a lot of the work that's being done in these groups is urban. And a great opportunity there to help them connect, fund themselves, find better ways to get ahead.

In the access to capital side, certainly our $25 million Grown & Certified Program. That's 5 million a year for the next five years. It's going to be a big help. BIPOC farmers are eligible for that money. Opening up the gateway to allow them to participate in our Farmland Preservation Program with our land trust.

So there's a lot of opportunities there. First and foremost, though, I think we've got to spend a little time making sure
we connect, you know, to the land trust, to
the Farm Bureau, to Cornell, to the banking
system in New York. A lot of linkages there
that need to happen. We're -- I'm excited
about the progress; at the same time, it's a
bit daunting.

ASSEMBLYWOMAN LUPARDO: Well, we're
certainly willing to help you in any way
possible to connect those dots. You are the
chief dot connector, but we're very
interested in engaging with you on that.

COMMISSIONER BALL: Very kind of you.
I would just add one more thing, which
is my role in the state departments of
agriculture. We're seeing funding coming
from USDA to accomplish these same goals that
we're looking at here in New York State.
Some of the funding got stymied by some
lawsuits, but they reworded it, it's coming.
We're going to see access to some funding,
I'm quite sure of that.

ASSEMBLYWOMAN LUPARDO: And in just my
last remaining few seconds, I just want to
also revisit the transfer of the national
School Lunch Program to Ag & Markets -- which I fully support, by the way.

Is this typical of other states? Do most other states' ag & markets departments manage the school lunch program? Are we an outlier in that respect?

COMMISSIONER BALL: Well, New York's never been shy about being an outlier, as you well know. There are five other states that have done it, and there are more states looking at it.

Being the commissioner from New York, I get to talk with other commissioners, secretaries and directors. It's been a very positive experience for those states that I've spoken with. I've gotten some of the details from those states about how it went very smoothly and how it's working today. So that gives me some encouragement. So yeah.

ASSEMBLYWOMAN LUPARDO: Thank you very much.

COMMISSIONER BALL: Yeah, thank you.

CHAIRWOMAN WEINSTEIN: Back to the Senate.
CHAIRWOMAN KRUEGER: Thank you, yes.

I see Senator Rachel May.

SENATOR MAY: Yeah, thank you, Madam Chair.

COMMISSIONER BALL: Good to see you, Senator.

SENATOR MAY: I wanted to ask you --

I've had the pleasure of touring some farms in the Catskills with the Watershed Agricultural Council, and it was led by soil and water conservation specialists and folks from Cornell Cooperative Extension, and it seemed like a really phenomenal model for engaging farmers in protecting the drinking water of New York City.

And I'm wondering, do we -- are we doing enough to extend that across the state to other watersheds?

COMMISSIONER BALL: Sure, thank you for bringing that up. That's -- I'm just above that watershed in Schoharie, as you probably know. And Schoharie Creek flows out of that watershed north instead of going
south to the reservoir, but the reservoir for
that watershed is in part of my county.

So we've looked at that very closely.
And actually I think you've heard of our AEM
program here at the department, Agricultural
Environmental Management program, part of our
Grown & Certified three-legged stool where
local ag, environmental management and food
safety are part of our brand, New York Grown
& Certified. So that AEM program we modeled
after the watershed practices and the
New York City Watershed.

So yeah, that had a big impact on us.
We use that every day. Managing water and
nutrients on farms is something we want to
see every farm take advantage of in the
state. And we're encouraging that through
grants, and we're encouraging that by
marketing those farms that do that.

So that's a very key component of what
we do. We believe in that.

SENATOR MAY: Okay, great. Thank you.
And then my other question is
something the Farm Bureau brought to my
attention, and it had to do with pouring
rights at schools and, you know, schools that
have a contract with Coke or Pepsi and they
may not be entertaining the idea of serving
local dairy products, for example, local milk
at -- in vending machines or at school
functions or something like that.

Is that something that's on your
radar? And do you have any kind of a sense
of the scale of that issue, how many schools
in the state are in that category?

COMMISSIONER BALL: I don't have a
number of schools that are in that category.
But harkening back to the value we place on
feeding our children, when the school board
looks at the cafeteria and says try to break
even on the school lunch program, use the
USDA funding, use New York State funding, use
department of defense surplus -- and if you
can make a little money on the soda machine
and potato chips to help the program break
even, they're kind of pushed into doing that.

We ask so many of our school nutrition
operators to be bookkeepers, to try to
balance a budget. I think we've got to attach a higher value to the way we feed the next generation.

So that's a concern. We'd rather see a milk machine there than a soft drink machine there. We'd rather see things that are going to improve the nutrients in a young person's body and have a healthier life.

So I don't know the numbers, but it's one of those vexing situations for us for sure.

SENATOR MAY: Okay. Thank you so much.

COMMISSIONER BALL: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Back to the Assembly.

CHAIRWOMAN WEINSTEIN: We go to Assemblyman Jones.

ASSEMBLYMAN JONES: Good evening, Commissioner. How are you?

COMMISSIONER BALL: Great to see you. Thank you.

ASSEMBLYMAN JONES: Good to see you as well.
And thank you to the chairs, and thank you to everybody for sticking in there this long. So I'm going to get right to it. You mentioned about -- obviously we're talking about the Wage Board's decision, something that many of us on this Zoom disagree with what they did there. But the overtime tax credits, you had said they don't kick in until the threshold lowers?

COMMISSIONER BALL: I think they would kick in when -- if there was any change in the overtime level. Which, based on their recommendation, would not be until 2024. I do know that the commissioner of Labor is currently reviewing the testimony and the data that was sent from Farm Credit and from Cornell. I expect she's looking at all that and will make a thoughtful decision here. So we'll wait and see what that decision is.

ASSEMBLYMAN JONES: Okay, I just didn't -- I was a little confused. I didn't know that it was, you know, on the -- it was a part of the Wage Board's decision when
those -- when we would get those tax credits
to our farmers.

And I would say, on that, just a
comment. We all need to push for those
credits -- or for that money to get to those
farmers on the front end. You know, if
we're -- if they're sitting around waiting
for a credit for six, eight months, a year
after, which a lot of these credits happen, I
mean, that is no good to these farmers and to
our agriculture industry. You know that they
need that money on the front end of things.

So I've talked to the chair about
this, Lupardo, and she knows all about this
as well.

Just getting back to the School Lunch
Program, the transfer from SED to Ag &
Markets, you know, I applaud the effort.
Anytime we can connect our schools -- and I
think Ag & Markets is the place to do this,
connect our students to, you know, fresh
food, fresh vegetables, fresh fruit, fresh,
you know, milk -- whatever we can do to do
that, we should be doing that.
Could you talk a little bit about the implementation of that? Because we are -- you know, we're getting some questions on how that would actually happen. I know you just talked about how other states were doing that. It is a large program, I'm all for it. But how are we going to -- how are we doing that? How do we go about implementing that?

COMMISSIONER BALL: Well, it's -- obviously you highlighted something that's very important. It's important to have a smooth transition and a cooperative one. I think the goals are mutual, to feed New York kids New York food in a smooth way and an efficient manner.

So I would envision, you know, a process working with State Ed and working with our team here. We've anticipated some staffing here. We would anticipate the staffing help that would come from State Ed, they would be transferred here to do the same work.

It's -- I would expect it to take quite a bit of time, probably a year. It
requires the Governor to send a letter to
USDA indicating that this would be the place
for the funding to go to from USDA. I think
technically it needs to be happening 180 days
after that notification.

So I think before we send that letter,
have that notification, we've got to have
some conversations about the details of the
program. It's a large program. But at
Agriculture, we handle large programs. We're
familiar with dealing with a whole state full
of, you know, concerns and issues and funding
programs there. So I'm confident, with the
additional staff at SED --

CHAIRWOMAN WEINSTEIN: Thank you.
Commissioner, I'm going to interrupt because
the time has expired some time ago.

ASSEMBLYMAN JONES: Thank you. Great
to see you, Commissioner.

CHAIRWOMAN WEINSTEIN: Senator, do you
have any further --

CHAIRWOMAN KRUEGER: Yes, I have
myself. Thank you, Assemblywoman.

Hello, Commissioner.
So I'm so glad to hear that the Bronx hub for New York agriculture is basically done. I feel like my whole life I was discussing this with various Ag commissioners. Do we know, have we been able to measure -- are we seeing more New York food heading from upstate into New York City?

COMMISSIONER BALL: Well, we certainly did with the Nourish program. You know, that's dramatic.

The food hub is well on its way, but it's not done. We've got the roof on it, we've got the walls up, the steel is up. But there's a lot of interior refrigeration, paving. We've got to work with Con Ed a little bit. I don't know if you know anyone at Con Ed, maybe. We've got to get the electricity going over there.

CHAIRWOMAN KRUEGER: We should talk offline. I actually spent a lot of my life yelling at Con Ed that they have to turn things on.

COMMISSIONER BALL: Okay. Yeah, happy to do that.
So I think what we saw with -- actually, we saw this years ago with other commissioners of Agriculture when we were worried about access for upstate farmers to the downstate markets -- you and I have talked about that -- as a farmer and as commissioner now for a long time. So with Nourish a real bright light on that problem in the South Bronx and some of those boroughs. And the food box programs that were initiated by Grow NYC and other groups -- City Harvest, New York City Food Bank -- and the channeling of money to buy New York food to get in those neighborhoods has been fantastic. Which is the inspiration for this food hub.

Grow New York City will be operating this food hub for us, 60,000 square foot refrigerated space, office space, lots of loading dock bays, plenty of room for storage.

So yeah, we've seen a measurable increase. It particularly jumped over COVID-19 with the amount of food getting into
the right places.

We also saw an increase over the last, you know, decade or so into the restaurant food service system. We've been working very hard with New York City School Food as a department -- as you know, the biggest buyer of food in the United States, other than our military -- and increasingly getting more potatoes, you know, more apples, more fruit, and looking at protein throughout that system.

So we've made great progress, but it just kind of teases you and makes you realize how much more there is to do.

CHAIRWOMAN KRUEGER: I agree. Especially since we went to universal school meals in New York City, and we saw 400,000 more children eating school meals literally a few weeks after we went to the universal model across the entire system.

So I certainly encourage you to work more with the school food service. I know that there are some new people down there, and the new mayor, Mayor Eric Adams, has, you
know, some views about food that may not be consistent with the dairy farmers in upstate New York, because I believe he's a vegan. But he is heavily focused on improved nutrition for children, and his belief -- and I believe he is correct -- is that good nutrition for children strengthens educational outcomes and health outcomes dramatically, and that we need to completely revisit what we're doing to make sure our children are eating nutritional quality food.

So I think he is a good new partner for the State of New York and for the agriculture sector. I know he's coming up for his first time to testify in a couple of -- I guess maybe next week, and I'll certainly ask him about this issue.

So we finally outlawed styrofoam, which I've been trying to do forever, but I learned years ago that you can make styrofoam-like products that aren't damaging to the environment using potatoes and potato starch. And there were a few companies that talked about wanting to go into that business
in New York. Do you know, did any of them
ever get started?

COMMISSIONER BALL: With potatoes for
the ingredient, I'm not --

(Zoom interruption.)

COMMISSIONER BALL: I'm not positive
how the outcome of that was. But I know on
my own farm we're using completely
biodegradable products made from a
combination of things.

So I like the idea of using potatoes.
I grow potatoes. And we have about 200 --
between 200,000 and 300,000 acres of potatoes
in New York State. Most of them go to potato
chips, but they could easily go to packaging.

We're also thinking about, as you
know, hemp. You know, and there's some
recyclable opportunities there with hemp
packaging.

So I don't know -- I'll try to find an
answer for you on the potato packaging.

CHAIRWOMAN KRUEGER: Okay. Because it
was told to me that the kind of potatoes that
could be used for production of potato-starch
biodegradable packaging were the kind of potatoes it was harder to sell. It was described to me as the ugly potatoes can be used for this purpose because they are harder to actually sell for too many things.

And if we're talking nutritional value, I don't know, a potato-design styrofoam container might be more nutritional than our potato chips anyway. So I do encourage you to take a look at that.

COMMISSIONER BALL: Okay.

CHAIRWOMAN KRUEGER: And I was going to mention, yes, some of us worked very hard to expand the hemp industry in New York State, and I'm also just curious how you think that's going. Because I get the sense that farmers are delighted to want to expand into hemp for all the different products that can be made from hemp plants. That's also your experience?

COMMISSIONER BALL: Yeah. Well, you know, you've -- you've watched us hold I think several hemp summits and we got the head start with the prior Farm Bill. And of
course there were lots of fits and starts
with the Drug Enforcement Agency federally
and with USDA and with our own limitations in
that first Farm Bill.

But I think we've worked through most
of that. We're finally at a point where
we're beyond the research phase. I think
we're at a point where we in New York State
submitted our plan for how we would run the
hemp plan in New York State. It was readily
accepted by USDA in December. We've already
started registering new growers. I think
there's quite a lot of energy around this.

And we finally kind of figured out
where CBD, where medical marijuana, all those
things belong. And, you know, the fiber hemp
belongs with us. We are -- that's our
bailiwick and we're good at it. So I'm
excited about finally having a clear-cut
program and an opportunity to go forward.
We've had a number of growers already sign
on. We're taking registrations now for this
year.

We've also got, in the local
assistance line, there's a million dollars
for hemp research down at Cornell and across
the state. And we've got -- we've got to
rebuild our memory banks. You know, we had a
germ plasm and we had -- you know, hemp was a
product in my county and across the state
many years ago, primarily used to make rope
and, you know, things like that for the Navy.
And when it was caught up in the banning of
marijuana, everything was destroyed -- all
the history and cultural and seed varieties.
So we need -- and Cornell is working
on this -- to come up with seed stock and
varieties that are unique to New York's
culture and climate that will do well here,
produce the kind of things we need. And as
you remember from those summits, there's like
2500 uses for industrial hemp that the rest
of the world knows about --

CHAIRWOMAN KRUEGER: Right.

COMMISSIONER BALL: We're starting to
see it in dashboards and we're seeing it in
concrete and we're seeing it in a variety of
products. We've got to get up to speed in a
hurry. So that's kind of an exciting opportunity.

CHAIRWOMAN KRUEGER: I agree with you. I remember the first time I learned that the pyramids were made out of bricks made with hemp. I was like, well, those have held up pretty well. Maybe we can make some bricks out of hemp and build something also.

Well, thank you for your very good work, and glad to see that you're staying on and continuing it.

I'm handing it back to Helene Weinstein for the Assembly.

CHAIRWOMAN WEINSTEIN: So we're going to go to Assemblywoman Rosenthal for three minutes.

ASSEMBLYWOMAN ROSENTHAL: Hi. Thank you very much, Helene. Hello, Commissioner. I'm going to bring up (muted).

COMMISSIONER BALL: I don't think I can hear you.

ASSEMBLYWOMAN ROSENTHAL: I see that, okay. I'm back.
Can I get back my 15 seconds? Thank you.

I said thank you, Helene, and thank you, Commissioner, and I'm going to bring up a topic I usually bring up with you, and that has to do with companion animals and pet stores that are under your purview.

So as you know, I have a bill to ban the sale of dogs, cats and rabbits in pet stores statewide and instead allow stores to make space available for animals available for adoption. So I have a perfect story to illustrate why this bill is necessary.

The Agriculture Department inspected American Kennels on Lexington Avenue in Manhattan in 2019 and found nothing wrong. On December 7, 2021, Ag inspected and most of the ratings were satisfactory save for a Jack Russell was on the selling floor and had an upper respiratory infection, and that some animals didn't have their rabies shots. The very next day the Humane Society of the U.S. released a shocking video showing deplorable and illegal conditions -- the store had a
secret sick room in the basement where it kept puppies, sometimes up to 20 at once, who were sneezing, coughing and shaking. And some of the animals were covered with open sores, matted fur, and during the investigation one puppy died after its illness when the pet store refused to bring the animal for veterinary care.

Now, how could it be that the Department of Ag inspectors were there the day before the Humane Society revealed this shocking video which they made by having an undercover employee for six weeks? Now, I don't understand how the Ag inspectors missed this. Also, how bad would it have to be before Ag held an administrative hearing to consider revoking the license? It shouldn't take intrepid advocates to go undercover to reveal conditions that an Ag inspector could see if they actually did a real inspection?

What happened is the New York City Department of Health pressured them, ordered the store to stop selling animals, and they went out of business. But the Department of
Ag did not contribute to this at all.

So how can your department actually play a bigger role executing its job responsibilities and not act like USDA, which has such lax regulations?

COMMISSIONER BALL: Yeah. Well, thanks for bringing up USDA, because that's part of the challenge there. They're supposed to be inspecting animals that come into the state.

ASSEMBLYWOMAN ROSENTHAL: I know, but you guys are supposed to inspect the animals in the stores.

COMMISSIONER BALL: Sure. Well, if they're hidden in a sick room somewhere, we may not see them.

ASSEMBLYWOMAN ROSENTHAL: But you can go look.

COMMISSIONER BALL: We found violations and took them. The next time we went back, they were okay. The next time we went back, they weren't.

We have not permitted them. They're out of business now.
ASSEMBLYWOMAN ROSENTHAL: Yeah, but they decided to be out of business --

CHAIRWOMAN WEINSTEIN: Assemblywoman, we are out of --

ASSEMBLYWOMAN ROSENTHAL: I have -- I lost 15 seconds when he couldn't hear me.

What are the reasons that the inspectors couldn't find the sick room when the undercover employee did? That's where animals were sick and dying.

COMMISSIONER BALL: Yeah. I'll have to look into that. I'll get back to you.

I did send a letter to the USDA about the inspections and the problems with those animals coming in --

CHAIRWOMAN WEINSTEIN: Okay, Commissioner, we'd like you to look into it and get back to both the Assemblywoman and to Senator Krueger and myself so we can let the other members know.

And no other Senators, so we will move on to Assemblywoman Woerner.

ASSEMBLYWOMAN WOERNER: Thank you, Commissioner. It's always a pleasure to
spend a bit of time with you, even if it is virtual.

COMMISSIONER BALL: Is that a tractor pin you're wearing?

ASSEMBLYWOMAN WOERNER: It is a tractor pin I'm wearing. In your honor, sir.

COMMISSIONER BALL: Wow. Well, thank you.

ASSEMBLYWOMAN WOERNER: So first let me say thank you to you and to your team for the great work that you have done over the last year, and certainly in putting together this budget. It is, as my colleague Donna said, it is really an amazing budget. And as you reflected, it's the strongest ag budget we've seen in your tenure and certainly in mine.

I wanted to drill down, however, on Taste of New York. I noted that Taste of New York's mission is moving from ESD to Ag & Markets and that there's a $6.5 million appropriation with that. And I ask you similar questions every year: How do we know whether the Taste of New York program is
working? How do we measure its success
and -- such that we know that it is something
that we should continue to invest in?

COMMISSIONER BALL: Sure, yeah.

Well, I'm going to ask you to remember
that we just went through COVID-19 a little
bit there. Obviously people weren't
traveling as much --

ASSEMBLYWOMAN WOERNER: I missed -- I
missed that, so -- I'm sorry. I skipped that
whole era.

COMMISSIONER BALL: That's right.

That's right.

I think, you know, from my standpoint
they've been an unqualified success. We've
just -- it was growing every year by leaps
and bounds. I think the last year -- the
last relatively non-COVID year that we had
was a record year, somewhere around
$19 million, as I recall, and over
1200 different producers from around the
state found markets. We were able to get,
for example, grape juice, you know, from
Western New York at every Taste location
throughout, you know, some of the 70 locations.

Anytime we feel we can connect a consumer with a New York agricultural product and further the investment in looking for that product, getting to that farm, finding that marketplace, is great. We've held a number of business-to-business seminars and conferences. They had to be virtual for the last two years. But the array of products available from New York State to farm markets, farmstands, retailers, based on the Taste NY adventure, has been dramatic.

So in spite of what's gone on with COVID, we've seen pretty dramatic increases. We were able to add online retail as an option for consumers to visit a Taste NY location when they're traveling and, you know, take that experience and virtually be able to purchase the product and get it delivered to them.

So I think we're gradually seeing it come back to life. All the retail experience was tough during COVID, but we're coping. So
clearly what we want to do, the long-term
goal is to have these things stand on their
own, function by themselves, be profitable.
They took a big hit, like all retailers did.
But we see great signs of life.

ASSEMBLYWOMAN WOERNER: Thank you. I
appreciate that. That's all I've got.

COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: We're going to
go to Assemblyman Palmesano.

ASSEMBLYMAN PALMESANO: Yes. Hello,
Commissioner, good to see you.

COMMISSIONER BALL: Good to see you
too.

ASSEMBLYMAN PALMESANO: I wanted to
talk to you a little bit about the CLCPA,
electric vehicles and fuel diversity.

I remember a colleague of mine at a
hearing, who's a farmer, brought up the
importance of fuel diversity to his farm
operations and how critical it was, how he
used natural gas, fuel oil, propane, diesel.
All were critical to the success of his
operation, and taking one of those away from
him would make it much more difficult for his
farm to be profitable and to work.

But yet here we are as the CLCPA is
going forward, where we keep hearing about
electric vehicles. And we know whether
they're school buses, they cost 20 percent
more, or municipal buses cost 20 percent
more, or even vehicles.

And my concern is, you know, you being
a farmer yourself, you know, I'm trying to
imagine, you know, a tractor trying to plow a
field or a grape-picking machine trying to
harvest grapes. You know, I have more
wineries in my district than any other member
in the State of New York. I mean, I'm just
worried about that.

I mean, what do you know about this
technology and this -- being advanced enough
for our farmers? Because I just don't see
how it's reliable. It's certainly going to
be significantly -- a significant cost
increase to our farmers on top of everything
else they went through. How can they rely
on, you know, an electric tractor or a
grape-picking machine or any other type of machine?

What do you know about that, and is that something that, you know, our agricultural community should be worried about?

COMMISSIONER BALL: Well, I think it's something that our ag community should pay close attention to. I think the conversations we had in the Ag and Forestry Work Panel were pretty responsible. We obviously understand we can't go plug in a 200-horsepower John Deere tractor overnight and go, you know, go plow 200 acres of land tomorrow morning. We don't have that technology yet.

We do have -- I will acknowledge John Deere recently bought a large electrical innovator to be a part of their umbrella, and I think we're going to see low horsepower moving A to Z products around the farm. We don't need V8 horsepower to go out and get 10 crates of lettuce from a farm, for example. But I think we're cautiously
optimistic.

In the meantime, the technologies that we do have today, and particularly coming from the forestry side of the house, with renewable energy, the bio-economy options we have that we can see -- biodiesels, renewable natural gas from methane on farms -- I think those are clearly -- those are items that were listed in our scoping plan. They may not be what we want to have in 2050 or 2060. Some of the technologies that we're going to need for that time are probably still in the laboratory. But I think we have a pathway forward. There's tools that we have today that are going to help us achieve the climate goals. And I think we've made that case with our scoping plan at the Ag and Forestry Panel.

So the jury's out. It's important for people to weigh in on the scoping plan that we put out. All the workgroups have their plans out there. You know, the lift for agriculture is something I can envision. The lift for transportation is really hard to get
our head around.

CHAIRWOMAN WEINSTEIN: Thank you, Commissioner. We'll move on --

ASSEMBLYMAN PALMESANO: Thank you.

COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: Let's move on to Assemblyman Lemondes.

ASSEMBLYMAN LEMONDES: Le-MON-deez.

Thank you, Chairwoman.

CHAIRWOMAN WEINSTEIN: Lemondes, okay.

Thank you.

ASSEMBLYMAN LEMONDES: Thank you very much.

Commissioner, very nice to see you, so to speak. Just one simple question.

I don't know if it's been brought to your attention or where your level of concern is, but I am very concerned with the I-81 project. And if the community grid is built, although I don't -- it's not in my district, many of the farmers that sell at the Central New York Regional Market are in my district and are concerned about access to that market, not only for ourselves -- I sell
there as well, full disclosure -- but also
for all of our customers that right now have
a very easy in and a very easy out.

And if that easy in and easy out
becomes 30 minutes, that will detrimentally
impact all of our business in Central
New York. And my question and/or request is
if you have not weighed in on that, if you
would consider doing so.

COMMISSIONER BALL: Happy to do that.
Yeah, the commissioner of Transportation and
I get to talk pretty regularly. Been aware
of that project for years. Since I became
commissioner, around the edges.

But let me just also say thank you for
a great tour of your farm. It's been a
while.

ASSEMBLYMAN LEMONDES: It has.
And in -- with the balance of my time,
you know, when we talk about the labor, right
now our hired help, we were able to pay two
hours today.

As we speak, it's 8:15. My wife, my
12-year-old and -- that's my wife right
there, excuse me -- and our 13-year-old are
in our barn delivering our lambs. And this
is our harvest season. And it's tough. And
this impending decision with the Labor Wage
Board will make it even crushingly more
difficult for all farms.

Thank you, Chairwoman.
Thank you, Commissioner.

CHAIRWOMAN WEINSTEIN: Thank you,
Assemblyman.
And we move on to Assemblywoman
Kelles.

ASSEMBLYWOMAN KELLES: Hello,
Commissioner Ball. Thank you so much for
your patience with all of us.

COMMISSIONER BALL: Great to see you.

ASSEMBLYWOMAN KELLES: Wonderful to
see you too.

So I'm going to throw out a bunch of
questions, so let me just start. One is for
the New Generation -- Farmland for a
New Generation. I know that it's achieved
like 90-plus matches of farmlands to land and
is now working with 34 organizations to
provide assistance to like thousands of farmers right now. My concern is that 2 million acres of farmland are currently in the hands of farmers that are 65 and older that we don't want to lose.

So how does Ag & Markets plan to address pressing farmland access issues in New York State and provide the type of in-depth need -- or in-depth assistance that farmers need to access or transition farmland and meet the Ag & Markets diversity objective, particularly given the $500,000 cut to that program?

COMMISSIONER BALL: Yeah. I would add another figure for you: 26 percent of our farms in New York State don't have a next generation on the farm.

ASSEMBLYWOMAN KELLES: Exactly. Exactly. So navigators, right, are like -- we need that, because they can't pass it on to family.

COMMISSIONER BALL: Exactly.

So the navigators is going to be (Zoom freeze).
ASSEMBLYWOMAN KELLES: I'm glad my time has stopped, because it looks like we've -- we may have lost him for a second.

CHAIRWOMAN WEINSTEIN: Can we -- the commissioner froze. I think that's why they stopped the clock.

ASSEMBLYWOMAN KELLES: I really appreciate that.

CHAIRWOMAN KRUEGER: Commissioner Ball, if you can hear us, turn your video off. Sometimes that unfreezes you.

(Off the record.)

THE MODERATOR: We tried to stop video for him, but it did not work.

ASSEMBLYWOMAN KELLES: My question just overwhelmed his system.

CHAIRWOMAN KRUEGER: That's it, it was your fault, Assemblywoman.

(Laughter.)

CHAIRWOMAN WEINSTEIN: Senator Krueger, I know we have his cell number, if you want to try and get this --

COMMISSIONER BALL: Are we back?

ASSEMBLYWOMAN KELLES: So I can move
on to my next question in the interests of
time.

CHAIRWOMAN KRUEGER: Only if the
commissioner is here. I'm not sure who you'd
be questioning otherwise.

ASSEMBLYWOMAN KELLES: Oh, I thought
that was him on the phone.

CHAIRWOMAN KRUEGER: Commissioner
Ball, are you there?

ASSEMBLYWOMAN KELLES: Hello, hello?

There he is.

COMMISSIONER BALL: Yes, I am.

ASSEMBLYWOMAN KELLES: Can you hear
me?

COMMISSIONER BALL: The host has
stopped my video.

CHAIRWOMAN KRUEGER: That's okay. As
long as we can hear you, we don't need to see
you.

CHAIRWOMAN WEINSTEIN: So then we
could start the clock again, I guess, and the
Assemblywoman will --

ASSEMBLYWOMAN KELLES: So my first one
we can move on from, is what I was saying. I
think that we're on the same page on that one. I would certainly like to see that reinstated.

And another one I have, the Climate Resilient Farms program in EPF does indeed cover cost-sharing for farmers, which is great for things like cover crops and cover-and-flare systems for large dairies, but if we fail to invest in the science or invest in the land grant systems, it will be difficult to develop the climate innovations that go beyond mitigation, to develop like innovations like carbon sequestration strategies and implementation.

So I wanted to hear from you if there's any place in this budget that we would see these types of initiatives or investments.

COMMISSIONER BALL: Well, I missed the middle part of your question, unfortunately, but I think we can -- you know, we're very much excited about the last few words I heard you say, carbon mitigation and sequestration. You know, there's also funding in
there for the Soil Health Program.

Everywhere I go across the state, this is a buzzword, there's excitement there. But I think climate resiliency is going to be stretched to include more things than it currently does, if I can --

ASSEMBLYWOMAN KELLES: Good.

COMMISSIONER BALL: -- what you said in between when I lost you there.

ASSEMBLYWOMAN KELLES: I have ideas for that, so we'll have to connect afterwards.

Just two other quick points. One, we had a great presentation from the Black Farmers United during last year's budget hearing -- preliminary hearing for ag, and their request was $500,000. They did get $100,000, which was great. But given the need for new farmers -- and they only were able to serve 42, and they had hundreds -- I'd love to see an increase in that.

And the last is the cut to the sheep, Empire Sheep Producers. I met with a group recently, and I was blown away by how long it
takethemtoprocesstheirownwollenNewYork
Statebecausethesystemhascompletely
brokendown.They shear, and to wash and get
wool back, actual just wool skeins, it takes
eight to 12 months to get it back.

SoIwouldlovetoseethatconsidered
reinstatedinthe30-day,becauseitisan
untappedsector,Itthinkeofagriculture.

COMMISSIONERBALL:We'retalking--

CHAIRWOMANWEINSTEIN:Uhh--

COMMISSIONERBALL:Oh,sorry.Wear

talkingwiththefiberfolks.

AndIwouldjustthrowoutthatUSDA
hasanLFAPprogramcomingout,$27million,
almost,forNewYork.Sowe'regoingtolook
toseehowwecanchannelsomeofthat
fundingtoourBIPOCfarmersalso.

ASSEMBLYWOMANKELLES:Great.Thank

you.

CHAIRWOMANWEINSTEIN:Thankyou.

WestillhavetwoAssemblymembers,

Commissioner.Sonextwe'llgooto

AssemblymanManktelow.

ASSEMBLYMANMANKTELOW:Thankyou,
Chairwoman.

Good evening, Commissioner. Glad to see you on.

COMMISSIONER BALL: Great to see you.

Thank you.

ASSEMBLYMAN MANKTELOW: A quick question in regards to electricity. Assemblymember Palmesano touched on this a little while ago.

Up in our district, of course, we have lots and lots of apples in Wayne County. And one of the situations we were running into last year as our producers are preparing to keep food local and getting it down into the city through building more and more cold storages and more and more controlled -- CA rooms, controlled atmosphere rooms -- and one of the issues we were running into was with the utility companies, that we were unable to get them there as quick as they needed it. And they were talking a year out.

And the second thing is the question they have is as we move forward with going green, using more electricity, how do we make
sure we have enough electricity to supply those CA rooms and those cold storages -- not only for apples, for potatoes, for onions and everything else in between -- to make sure we are doing what we can do as New York farmers to get our product downstate?

COMMISSIONER BALL: Yeah. We're bumping into this quite a lot, unfortunately. We're looking at a brand-new dairy processing facility in Western New York, the electricity needs there are pretty dramatic, and yet it will be a legacy plant for the New York State dairy industry.

I have a thousand-ton carrot cold storage on my farm. That takes a lot of electricity.

So as we look to, you know, do better with the food supply system, it's going to come with an electricity need as well. And some of our infrastructure in the grid can't handle some of the production that we're willing to do.

So I'm happy to relay that to the Public Service Commission and NYSERDA and the
Power Authority. They are all a part of the Climate Action Council. And the Independent System Operators, they're there at the table as well. So this is a -- this is a real concern.

ASSEMBLYMAN MANKTELOW: Yeah, I appreciate that, Commissioner. And again, thank you for what you do, and hope all is well back home on the farm.

You have a good night now.

COMMISSIONER BALL: Thank you. Thanks so much.

CHAIRWOMAN KRUEGER: Thank you. Anyone else, Assemblymember Weinstein?

CHAIRWOMAN WEINSTEIN: Yes, we do have Assemblyman Burdick is our last questioner.

CHAIRWOMAN KRUEGER: Okay.

ASSEMBLYMAN BURDICK: Thank you, Chairs. And thank you, Commissioner. I just have two questions.

And I first have to apologize that I was out at another meeting so I -- if there's any duplication, I'm sorry for that.

I noticed that there was an increase
in the budget -- a fairly substantial one --
over last year of some 40 percent, an
increase to some $78 million. And I'm just
wondering what the basis of that was. Was
there consolidation of operations where
operations or programs were moved to
Agriculture and Markets? Is that the reason
why it went from 194.62 to 272.95?

COMMISSIONER BALL: It's really a
variety -- a variety of things, Assemblyman.

You know, first of all, we've got
$6.5 million coming back to the department
from ESD for Taste New York funding. We had
an increase in Aid to Localities from what it
was -- it was, I think -- I forget the number
now, but it's up to $42 million. The prior
year was $35 million. So those two things
accounted for some of that.

State Fair capital was $28 million.
That's a part of that increase. And happily
we have some additional federal money coming
to us from FDA and USDA, to the tune of about
$26.7 million.

So those things put together are the
reason for the increase in our overall
budget.

ASSEMBLYMAN BURDICK: Well, that's
great. I'm glad to see that it helps you to
serve your mission.

The other question -- and I'm sure
that you've had this, and I'm sorry. Just if
you could explain the move from the State
Education Department to Agriculture for the
School Lunch Program.

COMMISSIONER BALL: Sure. We did
spend a little bit of time on this with a few
of your colleagues.

But the long and short of it is that
we don't see this as a takings or a robbery
or anything like that. We are in the school
food space every day. We work with New York
agricultural producers, we work with the
operators of -- in the School Nutrition
Association, the people in the cafeterias.
We see the economic benefit to farmers when
New York State purchases products from
New York State.

Currently there's USDA funding coming
into the state, federal dollars, to help feed
our children. Right now a large percentage
of those monies pay for products outside our
state. We think we can help get more
New York products into the school system.
Our new No Student Goes Hungry program, our
farm-to-school efforts have been very
successful there. Our work with ag in the
classroom, FFA and 4-H.

We believe that the linkage that we
have with USDA and with the ag producers in
our state, and with our school system, are
pretty tight. We think it's a good fit. And
where we've seen it done in other states has
been very successful.

ASSEMBLYMAN BURDICK: Great. Thank
you so much. Appreciate it.

COMMISSIONER BALL: Thank you.

CHAIRWOMAN WEINSTEIN: Senator

Krueger, we are -- there are no further
Assemblymembers.

CHAIRWOMAN KRUeger: (Muted.)

CHAIRWOMAN WEINSTEIN: You are muted,

Senator.
CHAIRWOMAN KRUEGER: Thank you.

Commissioner Ball, we want to thank you for your participation tonight answering all our questions, even if we lost your picture somewhere along the line. And we are going to excuse you.

And for those of the hale and hearty approach to state budget hearings, we are now going to start a series of panels of nongovernmental testifiers. And technical Panel A is the first five, although one person has said they cannot be here with us. And we will just keep going.

Three minutes per testifier. Then when the panel's complete, any legislators who would like to ask questions have three minutes -- nobody gets more than that. And we just keep going through until we are done.

On that note, let's start with the American Farmland Trust, Erica Goodman; the New York Farm Bureau has said they cannot attend, they have submitted testimony; Northeast Organic Farming Association of New York, Katie Baildon; New York State
Veterinary Diagnostic Laboratory, François

Elvinger -- there's a much longer name there, but you have the agenda -- and New York State Animal Protection Fund, Libby Post.

And we'll just go right down that list, starting with Erica Goodman.

Good evening.

MS. GOODMAN: Good evening, and thank you, Senator Krueger, Assemblymember Weinstein, and certainly the members of the Legislature for the chance to testify at the end of what's been a very long and informative day.

I'm Erica Goodman. I'm the New York regional director for American Farmland Trust.

Originally farm and food systems must begin with farmland. New York's more than 9 million acres of farmland are the backbone of a $47 billion annual farm and food economy. It is some of the best farmland in the country, but it's also some of the most threatened. New York has lost more than a quarter-million acres of farmland since 2001,
while only protecting about a third of that amount since the state began investing in farmland protection in the nineties.

As we deal with the impacts of an aging farmer population, and better understand competition for farmland from solar and pandemic-induced shifts, it's imperative that we do more. Demand is high. Between January and September of last year, 250 farmers expressed interest to land trusts in conserving their farms, and farmland protection implementation grant funds were used up in two regions within six months of opening to application.

The Governor included $20 million for farmland protection in the budget, and we look to our strong supporters here in the Legislature to further meet demand by increasing this to $25 million as part of an at least $400 million Environmental Protection Fund.

Thank you to the Legislature for funding Farmland for a New Generation New York in years past, the program that
we've talked about a little bit here today.
It's been designed to really help address the
impending intergenerational transfer of
farmland and the barriers in accessing land
faced by a new and diverse generation of
farmers.

This nation-leading farmland program
is a one-stop shop for farmers looking for
land or farmland owners looking for a farmer,
with AFT staff and a network of 34 regional
navigators providing training and one-on-one
support to farmers across the state. Since
launching in October 2018, this program has
trained nearly 3,000 farmers and farmland
owners, given one-on-one assistance to more
than 3,000, and helped 90 farmers and
counting gain access to farmland.

We ask the Legislature to please
restore funding of at least $500,000 for
Farmland for a New Generation New York in Aid
to Localities, and to consider an increase in
funding that will not only uphold the
program's track record of excellence but also
accelerate opportunities to address barriers
met by historically resilient farmers.
Without these programs, New York risks losing
the foundation of its farming and food
system.

New York State also has two
nation-leading programs that incentivize
schools to increase their purchasing of
New York farm products and provides the
resources to help them get there. However,
barriers remain. While current programs
provide some alleviation, specific changes
that could increase the purchase of
New York-grown foods include expanding the
30 percent incentive program to include all
school meals, not just lunch; meeting demand
for the Farm-to-School grants program by
increasing funding to $3 million; and
increasing the state's small purchase
threshold to $250,000.

My written testimony certainly covers
more information and more areas of needs, but
thank you for the opportunity to testify, and
I look forward to your questions.

CHAIRWOMAN KRUEGER: Thank you.
Next, Northeast Organic Farming Association of New York.

MS. BAILDON: Good evening. Thank you, Chairwoman Krueger, Chairwoman Weinstein, and committee members, for this opportunity to speak to you about the Northeast Organic Farming Association of New York's priorities for the proposed budget. I'm Katie Baildon, policy coordinator for NOFA-NY.

NOFA-NY is a nonprofit organization of farmers, gardeners, and consumers working together to create a sustainable regional food system that is ecologically sound and economically viable. We're also the leading USDA accredited organic certification in the state, certifying about 1100 organic farms and businesses which provide quality organic products to many thousands more New York consumers.

Organic agriculture systems contribute to healthy ecosystems and resilient local food systems, both fundamental to our fight against the climate crisis. New York State
is consistently a national leader in certified organic production, ranking third in the nation for the number of organic farms and fourth in terms of acres of certified farmland.

As highlighted in recommendations of the Climate Action Council, New York has an important opportunity and responsibility to lead the nation in incentivizing and supporting the adoption of organic farming systems that eliminate synthetic fertilizers and build healthy soils.

We applaud Governor Hochul's proposal to increase the EPF to 400 million. This funding marks a huge step forward on the path towards achieving the environmental community's goal of 500 million.

The Executive Budget also includes 17.5 million for the Climate Resilient Farming program, which has reduced emissions by an estimated 300,000 metric tons of carbon annually through waste and water management and soil health development projects implemented by the county Soil and Water
Conservation Districts. Increasing financial support for this program and for the Soil and Water Conservation Districts to 15 million are measures that we enthusiastically support and urge members of the Legislature to maintain.

The Climate Resilient Farming program and Soil and Water Conservation Districts provide the necessary support for farms in adopting climate-friendly practices and help transition our agriculture and food systems to meet the necessary goals of the Climate Leadership and Community Protection Act.

USDA organic certification enables farms using organic, climate-friendly agriculture systems to benefit from access to the thriving organic market. As the lead organic certification in the state, we're grateful for the $80,000 in the Executive Budget for NOFA-NY's project to streamline organic certification for the Agricultural Business Services Program. This project will enable farms and organic businesses to apply easily and annually renew their certification.
through a streamlined, mobile-responsive online platform.

We urge the Legislature to maintain this funding and look forward to the Legislature's ongoing support of organic agriculture. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

The New York State Veterinary Diagnostic Laboratory.

DR. ELVINGER: Thank you.

Chair Krueger, Chair Weinstein, chairs and members of committees here present. I'm François Elvinger. I'm the executive director of the New York State Veterinary Diagnostic Lab at the College of Veterinary Medicine at Cornell.

First, thank you for the opportunity to testify. And thank you on behalf of all stakeholders of animal health, animal welfare, animal agriculture and public health, for your strong support of veterinary diagnostic services in the Empire State.

We were gratified to see Governor Hochul's Executive Budget has consolidated
services of the Cornell Diagnostic Lab into a single and comprehensive budget line, with a significant increase to the total amount of prior-year Executive Budgets, helping to streamline and facilitate the delivery of diagnostic services. I am sure you had significant input into that decision for a single amount at this elevated level, and I thank in particular Chair Hinchey and Chair Lupardo for their guidance and very strong support.

I must, however, draw your attention to additional significant program needs of current threats requiring exceptional readiness, rapid response, and therefore resources. Livestock and poultry populations are under threat from two highly contagious disease engines: African swine fever virus that spread last year to the Dominican Republic and Haiti, and more recently, avian influenza H5N1 that first emerged in wild birds in Newfoundland in December and by now has infected birds in the Carolinas and in Virginia.
You might remember the H5N2 outbreak seven years ago that led to the culling of 50 million birds and had a huge economic impact in the Midwest and across the nation. We have the obligation to prevent a repeat. We need to be ready to immediately detect and then surveil with the highly sophisticated tools of genome sequencing, which we heavily use in our response to the SARS-CoV-2 pandemic, while simultaneously pushing for heightened biosecurity in our poultry farms, backyard flocks, and livestock operations.

Two additional programs merit your further attention. First, our Veterinary Forensics Program, for which consistent investments are necessary to carry out its goal of combating animal abuse and cruelty. We really appreciate the recognition that the program obtained through your engagement and legislative work.

Second, our Quality Milk Production Services, that have persisted in the tremendous effort to effectively address antibiotic resistance through their work on
farms, to reduce antimicrobial usage without
jeopardizing animal health and welfare.

Please accept our deep gratitude for
your support of these programs that are
essential to all animal health and welfare
and public health. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next, Libby Post, New York State
Animal Protection Federation.

MS. POST: Good evening, everybody.

Thank you, Senator Krueger, Assemblymember
Weinstein, for allowing me to be here
tonight. Most of you know that the New York
State animal protection federation represents
all the animal shelters in the State of
New York. And in the last four out of five
budgets -- not including the COVID budget --
the Legislature has graciously put in
$5 million for the Companion Animal Capital
Fund. Which, up to this point, this
$20 million investment has helped 38 shelters
across New York with their capital projects.

I was lucky enough to go out to
Susquehanna SPCA and down to the Westchester
SPCA to see their brand-new buildings, and
they are just phenomenal. And it's because
of this funding, the $500,000 that they each
received, they were able to kick-start their
capital campaigns.

Now, we asked the Governor to put
$5 million into her budget for the fund, and
she did. And so I'm here tonight to ask all
of you to keep funding -- to keep your
$5 million in the budget as well so that we
can bring the fund up to $10 million. And I
promise you that I won't ask you for any more
money for this. I think $10 million would
really do it for all the shelters across the
state.

And I have to thank Assemblywoman
Lupardo, Senator Hinchey, Assemblywoman Glick
and Senator Addabbo for their leadership in
making sure that the fund has been in the
budget for the last four out of five years,
and that we can move this whole thing
forward. And so I hope the Legislature
continues to put in its $5 million.

The other thing that's going to come
on the radar -- and this isn't necessarily money, but is the Companion Animal Care Standards Act for shelters and rescues. It's a Paulin-Addabbo bill. It is a rewrite of Article 26. As we have raised the physical standards at shelters, this is an opportunity for us to raise the care standards at shelters and rescues across the state.

And I would be remiss if I didn't put in our plug for the Puppy Mill Bill, what Linda Rosenthal was talking about before. It's her bill and Mike Gianaris's bill in the Senate. We just brought a new rescue from a puppy mill in Ohio into our home. And let me say that she's six years old, she was bred every six months. And she's got her issues, there's no two ways about it. But she's in a loving home now, and she knows that she's not going to be brought out back and shot, which is what would have happened if she wasn't here.

So this bill, the Puppy Mill Bill, is incredibly important in terms of making sure animals are well-cared-for and they're not
put into such horrible situations like
Assemblywoman Rosenthal was talking about
with American Kennels. We've seen it in
Shake A Paw down on Long Island. And there's
scores of other issues as well.

So thank you again for the opportunity
tonight. I know I'm over my time, so I'll
cut it short.

CHAIRWOMAN KRUEGER: Thank you.
And I see the hand of Agriculture
Chair Michelle Hinchey.

SENATOR HINCHEY: Hello. Thank you,
Chairwoman. And thank you all so much for
your testimony and for sticking with us
tonight in a later hour than we all
anticipated.

My first question is for -- about the
diagnostic lab. You know, I know we've seen
a lot of people through COVID adopting more
and more animals over the pandemic. Have you
seen an increased demand for animal disease
testing? And do you need more resources to
handle this as we've seen more people, again,
adopting animals?
DR. ELVINGER: Thank you, Senator Hinchey, for your question.

And yes, indeed, throughout the pandemic I must say that our caseload did nothing but rise. We had a record year as far as accessions, cases that came our way, clearly due to the increased interest of the population in companion animals, and we have seen those numbers increase.

We also saw the increase in food animal cases that came our way. But in particular, you know, I think pandemic-related animal adoptions that might have increased and those that led to additional submissions to our laboratory. Yes, also requiring additional resources that we had to use to take care of all those cases. We had a 14 percent increase in cases last year over the year before.

SENATOR HINCHEY: Thank you very much.

You all do really important work, so thank you for everything you do.

My next question is for American
Farmland Trust. You know, we've talked a lot about solar siting in today's hearing, as I'm sure you've seen. And I know you all are doing a lot of work in this space. What have you seen happening across New York compared to other states? And is there something that we should be paying more attention to, or more that we should be worried about?

MS. GOODMAN: Great. Thank you, Senator Hinchey, for that question. And as you alluded to, we've been doing a lot of work.

We actually have a report we're releasing tomorrow that we're happy to share with you and the rest of the folks here as well today, that talked to farmers, local governments, developers, others involved in this exact issue and really found mixed impacts across the state when it comes to solar and farm viability, knowing that those two things have to work hand in hand.

Certainly there's positive impacts where farmers who own land are seeing economic opportunities, but there's also some
negative implications too, especially with farmer-renters. And that's something that we need to look at more, because those are situations where farmers -- specifically, you know, looking at farmers who may be new to farming who are being displaced and are seeing higher prices as well.

SENATOR HINCHHEY: Thank you.

And with my last three seconds, I don't have more time, but I'll say that is something that we have not talked about much today, on the renter piece, and it's really important, especially as we talk about that transition for the next generation of farmers. So thank you.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Lupardo.

CHAIRWOMAN KRUEGER: Take yourself off mute. There you go.

ASSEMBLYWOMAN LUPARDO: Okay. I don't really have any questions. I just wanted to thank each and every one of you -- certainly
for sticking with us today, but for the
inspiring work that you do. I've of course
already had detailed conversations with each
and every one of you. But I think it's
important that you took the time to be here
tonight to communicate the work that you do.

I'm certainly inspired by the work by
farmland trust and Cornell's Vet School and
what Libby's doing and NOFA. We're going to
certainly look at your budget requests and do
as we do every year. I think we've had some
great success; I think the budget reflects
that. It's probably one of the best ag
budgets we've seen in a very, very long
time -- certainly in my memory.

So I look forward to having additional
conversations with you and working with my
colleague in the Senate to advance the causes
that we care about. And you are really right
at the top of the list as far as I'm
concerned -- and admirable work on behalf of
New York agriculture and New York companion
animals. So thank you.

CHAIRWOMAN KRUEGER: Thank you.
I don't believe I see any other Senate hands, so why don't you continue, Helene.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Thank you.

And I want to just second everything that Chair Lupardo said. I have spoken to all of you as well, and super inspired, I thank God you exist, Goddess you exist. And I don't have questions for all of you, but I did want to show my support.

I do have one question, though, for American Farmland Trust, Erica Goodman. You spoke about urging us to shift from school lunches to all school meals being, you know, in the Farm-To-School program. Can you talk about what not having it be all school meals does to limit the number of schools that can or do participate in this program, and how many schools currently do?

MS. GOODMAN: Thank you for the question, Assemblymember Kelles.

And, you know, we've conducted two years of research in the first two years of
the program, and we've consistently seen that
with the focus just on lunch, that forces
schools to spend more time doing some of the
tracking and paperwork and really having to
divide their energy when they could be
spending that more on increasing the purchase
to schools.

          And, you know, for example, products
like milk, where it's served both at
breakfast and at lunch, it takes more time to
split that up and to really account for
what's going where.

          So being able to incorporate the
program across all school meals will enable
school teams -- especially, you know, as
we've seen in the last couple of years how
stretched schools are for their time and
resources. So the more we're able to provide
that support to them, the more they're able
to really expand the program.

          ASSEMBLYWOMAN KELLES: Wonderful.

          And I just wanted to comment, too, my
appreciation for your work with the farms for
the next generation and the navigators. It
is critically important, and I will certainly continue to fight for that to be put back into the budget.

So thank you so much to NOFA -- Katie -- and Libby Post. Your work is always astounding. And of course François, thank you so much for all that you do, and we'll continue to fight for your efforts.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Any other Assemblymembers? I don't see any hands.

CHAIRWOMAN WEINSTEIN: I do not see anybody else, so we can move on to the next panel.

CHAIRWOMAN KRUEGER: Yes, I'm going to thank this panel very much for your hard work, and jump to Panel B: Scenic Hudson, Andy Bicking; Open Space Institute, Christopher "Kim" J. Elliman; and the Environmental Defense Fund, Kate Boicourt, or close enough for tonight.

Hi, everyone. Let's start with Andy.

MR. BICKING: Thank you, Senator.
Andy Bicking, director of government relations and public policy for Scenic Hudson.

Three points I'd like to share with you this evening. First, relating to the State Parks Capital Fund, the Governor's proposed 200 million, a welcome increase. I want to ask you, please consider increasing this to $300 million in your one-house budgets. There's a great need at many locations throughout the state.

For example, the Hudson Highlands Fjord Trail, located on a narrow and dangerous section of state highway along the Hudson River between Cold Spring and Beacon, in Hudson Highlands State Park, is one of the most popular day-hike destinations in the entire nation, yet it's not even up to the most basic standards. It's dangerous. In recent years one person was fatally hit by a train, another dismembered. It's not accessible. Park rangers and volunteers tasked with public safety have no shelter and bake in the hot sun and freeze in the cold.
And it's inefficient. New York City DEP workers can't drive their trucks to an aqueduct pump station that supplies drinking water to millions.

This is a 135 million to $150 million large-scale public works project that addresses Metro-North, DOT, OPRHP infrastructure and facilities. It's on the way to raising $66 million from non-state sources, including $14 million from DEP, yet the state is not yet a significant financial partner. So we are seeking a state commitment of 35 million.

Second, and this is amazing, the Governor has proposed a $400 million Environmental Protection Fund, incredible. We ask that you please support this top-line number. Many great things in this year's proposal. The EPF program for parks, preservation and heritage grants is proposed for 26 million. This is welcome. Please support it. Applications for this line item exceed $90 million annually.

Included here is also a 33.5 million
item for Bridge Riverwalk, managed jointly by Scenic Hudson and the Village of Tarrytown. It will link two orphaned trails together under the former Tappan Zee Bridge.

Why is this important? Think of the restaurant worker commuting by bike and the young parent pushing a baby stroller who are now crossing dangerous streets. This project is for them as much as it is for the visitors who are contributing to the region's $4.4 billion tourism economy. And it will leverage $1.3 million committed by Westchester County.

Finally, also in the EPF are increases to the Climate Resilient Farms and Soil and Water Conservation District programs. Please maintain them. They will help advance the Soil Health and Climate Resiliency Act, which you passed unanimously last year, and provide much-needed grants and technical support to New York farmers.

Thank you again for the opportunity to share these thoughts tonight.

CHAIRWOMAN KRUEGER: Thank you very
much, Andy.

And next, Kim Elliman, Open Space Institute.

MR. ELLIMAN: Thank you, Senator Krueger. And good evening and thank you for this opportunity to discuss Governor Hochul's proposed budget as relates to New York State parks, open space protection, and the environment.

As you've just said, my name's Kim Elliman. I'm president and CEO of the Open Space Institute. And realizing the hour, I will be offering an abridged version of my submitted testimony. Thank you all for your patience.

OSI is among the leading land conservation nonprofits in the Eastern U.S., having protected about 2.3 million acres of land for clean water, recreation, carbon storage, flood mitigation, and wildlife habitat from Southern Canada to Florida. Still, New York remains our home, and I welcome the opportunity to be here today.

The Open Space Institute believes
strongly that Governor Hochul has created a budgetary roadmap that addresses climate change as the environmental crisis of our time and acknowledges and responds to the public's need to connect with nature, and makes much-needed investments in land conservation for clean drinking water, flood protection, carbon absorption and recreation.

Specifically, the $4 billion Clean Water, Clean Air, Green Jobs Bond Act and its emphasis on land conservation and protection of open space is particularly welcome as New York State prioritizes water protection, reduction of carbon in our atmosphere, addresses increasing threats of flooding in the wake of climate change and the need to conserve habitat.

At the same time, the proposed Environmental Protection Fund increase to $400 million sets a new, higher standard for reliable environmental funding in New York State to meet the growing demand for parks and green space for people and for wildlife.

We strongly support this new overall
funding level, particularly the $10 million
increase for open space protection. This
increase for open space protection
demonstrates a full understanding of the
critical role strategic land conservation can
and does play in protecting drinking water,
fighting climate change, and providing
New Yorkers with places to safely spend time
with their families, connect with friends,
exercise, and recharge from emotional and
mental fatigue.

Knowing the Legislature's long-term
and passionate commitment to the EPF, I would
be remiss if I failed to thank you all for
all you've done for the EPF over the years.
And because OSI's land mission extends from
conservation to making parks and protected
land available and welcoming to all, OSI also
enthusiastically endorses Governor Hochul's
monumental commitment to public lands which
have, especially in recent years, proved to
be a source of comfort and rejuvenation for
tens of millions of New Yorkers.

So the Governor's $200 million
allocation for state parks infrastructure represents the single largest capital infusion for New York State parks in history, and dramatically raises the bar for public access throughout the nation.

This commitment complements that of the Open Space Institute. Over the past decade, OSI has invested millions of dollars in private funds for new trails, trailheads and visitor centers. We also welcome the proposed staffing increases for both DEC and State Parks. This turnaround is both welcome and warranted.

As the 2022 legislative gets underway, we look forward to working with Governor Hochul, her administration, and members of the Legislature to enact a budget that moves New York State forward as a national leader.

Thank you very much. Thank you, members of the Assembly and the Senate.

CHAIRWOMAN KRUEGER: Thank you very much.

Next, Environmental Defense Fund, Kate Boicourt.
MS. BOICOURT: Thank you so much.

On behalf of Environmental Defense Fund's 250,000 members and activists in New York State, I thank you for the opportunity to testify today, for your stamina during this hearing, and for your leadership on protecting the environment.

In the past 10 years, climate change fueled extreme storms. Mostly notably, Hurricanes Sandy and Ida led to the loss of dozens of lives and caused more than $100 billion in damages. We are already operating in an impacted system in which a loss of natural infrastructure that used to protect us has contributed to rising risks, especially paired with the impacts of climate change. These risks are borne unequally, hitting hardest in low-wealth communities and communities of color. But you have the power to start shifting that trajectory.

I urge you to support the following as strategic investments in nature and environmental justice that will reap dividends in clean air, water, and create
First, changes to the Environmental Bond Act. We applaud and support Governor Hochul's proposed new name, the Clean Water, Clean Air, Green Jobs Bond Act, which will more clearly communicate its intent to the public. We also support the increase to 4 billion. With Ida recently demonstrating the financial impact even one storm can make, it is only fitting that we increase these investments, which can also serve as a critical match for increasingly available federal dollars for clean water and environmental projects.

Second, Environmental Protection Fund. Like my colleagues have just mentioned, we support that increase to 400 million as a floor during budget negotiations, which marks a huge step forward on the path to achieving the long-term goal of a 500 million EPF.

Third, state agency capital funding. We urge you to support at least the proposed 200 million in capital funds for DEC and State Parks, toward a goal of reaching
300 million for this program.

Fourth, the clean water funding. We support a $1 billion investment in the Clean Water Infrastructure Act. It has been estimated by the American Society of Civil Engineers that New York State's need for drinking water infrastructure alone is nearly 30 billion over the next 20 years. Wastewater adds an additional 31.4 billion in need to that number. And I heard some higher numbers earlier today, so there's definitely a need.

Fifth, state agency staffing. Our environmental agencies have historically been understaffed to meet the demand for permitting, environmental protection, and maintaining our outdoor spaces that we are using more and more during this COVID-19 crisis.

As these increasing pressures are placed on our natural resources, we support commitments to build back the staff capacity toward a safer, cleaner New York, as has been proposed by Governor Hochul.
Lastly, wetlands protections. We support Governor Hochul's budget proposal to increase protections for 1 million acres of wetlands, which filter pollutants in our water and serve as a buffer against the worst impacts of climate change.

So I thank you again for this opportunity to testify in support of these important investments in the most basic elements that all New Yorkers enjoy: Our air, our water, and our natural resources.

Thank you.

CHAIRWOMAN KRUEGER: Thank you all very much.

And I believe I don't see a Senator, so I'm handing it to Helene Weinstein for Assemblymembers.

CHAIRWOMAN WEINSTEIN: We have several Assemblymembers. I'll be calling them in order, but just so that they know, we'll start with Assemblyman Abinanti, then Epstein, then Burdick.

Assemblyman Abinanti, you're on.

ASSEMBLYMAN ABINANTI: Thank you very
much. I just want to welcome this panel.

Andy Bicking, I very much appreciate
your mentioning the projects along the Hudson
River. I support them, and I thank you for
your endurance with the rest of the panel, to
stay all this time to tell us about those
projects.

And that's all I'm going to say. thank you very much. I support your efforts,
and we'll do what we can here to make sure
the money's in the budget so that we can get
those projects done.

MR. BICKING: Thank you,
Assemblymember.

CHAIRWOMAN WEINSTEIN: Okay, then
we'll go on to Assemblyman Epstein.

ASSEMBLYMAN EPSTEIN: That was very
quick. I wasn't sure Tom -- I've never seen
Tom speak that quickly, so thank you.

CHAIRWOMAN WEINSTEIN: You can follow
by example.

(Laughter.)

ASSEMBLYMAN EPSTEIN: Oh, thanks,
Helene.
Kate, so I just wanted to check in
with you on waste management and wanted to
get a sense of what you thought about kind of
where we are on the Climate Action Council.
I have some concerns around, you know, not
bringing a lot of effort on our composting
and, you know -- and I'm wondering what
you're hearing and whether you think the
Governor's gone far enough.

MS. BOICOURT: I am not so focused on
waste management, so if anybody else on this
panel is able to speak to that question, I
will cede my time for it for that.

ASSEMBLYMAN EPSTEIN: Okay, so no one
knows about waste management. Okay.

One last question, then, for you.
Just because -- so I guess my only other
concern is -- maybe this is not for you
either. Just what we heard around, like,
charging infrastructure and moving that
forward. And I kind of feel like we have
some great targets, but I don't think we've
gotten any way to get there. And I'm
wondering if like there's enough in place
that we're doing what we need to do to kind
of get along the goals that we have to move
to a fully electric system in the time frame
we're talking about for electric vehicles.

MS. BOICOURT: Again, I think my
expertise is more on the climate resilience
side.

But in the bond act, there is
1.1 million for climate change mitigation
projects as well as other environmental
justice projects within the bond act. And I
think that there may be some ability to cover
some of the things that you've mentioned.
But that's not my expertise, so I'll pass
that to anybody else that can answer it.

ASSEMBLYMAN EPSTEIN: All right.
Well, then I'm done, thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Mr. Burdick.

ASSEMBLYMAN BURDICK: I first want to
thank the panelists for their advocacy and
the great work that you're doing. We really
appreciate what you're doing to protect our
environment.
I had a question, and this is for Andy Bicking on the Scenic Hudson. First of all, I know you're active in Westchester County, which I represent a part of, and thank you for your good work.

You mentioned in your testimony that you'd like to see the Open Space state land acquisition line item in the Environmental Protection Fund returned to 60 million. Right now it's proposed at 40 million. And you said that historically it had been at 60 million. Two questions on that.

If you could explain when it was at that 60 million, and also who I might work with to try to advocate for this.

MR. BICKING: Well, thank you, Assemblyman, for that question. Historically the fund was at $60 million. Years ago when the Environmental Protection Fund was created, there were much fewer categories in it, and it was a much more predominant -- had a much more predominant role in the fund overall.

That kind of goes back to the days
when George Pataki was Governor and he had set a million-acre goal of protecting open space in New York State, which was partially achieved, was really an aspirational goal, and that drove a lot of the priorities within state agencies, in my organization's experience.

So looking forward, you know, I would love to work with you on that. I know there's a number of other members in the land trust community that would do the same, and many allies within your house as well as the Senate.

ASSEMBLYMAN BURDICK: So maybe if you could connect with me, I would be very interested in advocating for that.

MR. BICKING: Wonderful. I'll reach out.

ASSEMBLYMAN BURDICK: Great. Thanks so much.

CHAIRWOMAN KRUEGER: Helene, I see a Senate hand that's popped up to sneak in.

CHAIRWOMAN WEINSTEIN: Okay. So go for it.
CHAIRWOMAN KRUEGER: Thank you.

Senator Michelle Hinchey.

SENATOR HINCHEY: I'm sneaking in.

Thank you very much, and thank you to
all of our panelists for being here and, more
importantly, for all of the work that you do.

My question is for Scenic Hudson, Andy
Bicking. Thank you for mentioning the
Climate Resiliency and Soil Health Act. As
we know, agriculture accounts for about
4 percent of carbon emissions and, through
the CLCPA, needs to sequester about
15 percent.

Can you -- you know, and we're -- so
as you said, we are allocating about
17 million, the Executive Budget had about
17 million for soil health and sequestration.

Is that enough, do you think?

MR. BICKING: Well, thank you,
Senator. And thank you for your leadership
in advancing the Soil Health and Climate
Resiliency Act to successful passage in your
house. Really an amazing piece of
legislation. And I'd call it groundbreaking,
but it's really ground-mending for New York State. So we're all very proud of it.

I think the proposal that we have from the Governor for the soil health funds this year and the Climate Resilient Farm and Soil and Water Conservation Districts is a good solid amount. In my experience with working with many of these grant programs, we need to kind of be building capacity step by step. So I think we're in a really great place.

And we can certainly go out -- I know my organization is committed to getting applications submitted by farmers for funding and support, and see it as a really important first step as part of a long-term strategy.

SENATOR HINCHERY: Thank you very much. Appreciate that.

And I yield my minute and a half.

CHAIRWOMAN KRUEGER: Thank you very much, Senator.

Back to you, Helene.

CHAIRWOMAN WEINSTEIN: Assemblyman Otis.

ASSEMBLYMAN OTIS: Hi there.
Thank you all for your testimony and for your long-standing advocacy for the environment.

I wanted to focus on the water funding, which we've had great success in New York, and the proposal to take the Governor's 500 million and make it a billion. And so there is certainly physical money opportunities. There is some unspent money. I think -- I'm not sure to what extent the -- from the 2020 funds did not all go out the door.

Have any of you put together some sort of scenario where you're patching together the second 500 million? I think that would help in terms of our trying to push on this issue.

MR. BICKING: Well, Assemblyman, I can just respond in general. I don't have any particulars on that question. But I'd be happy to touch base with our coalition partners, make sure they're aware of your request, and we can follow up and get that to you.
ASSEMBLYMAN OTIS: That would be great, Andy.

And I think that's it for me, then, Helene. I'll yield back my time to the evening before us.

CHAIRWOMAN KRUEGER: I think I see one more Assemblymember hand.

CHAIRWOMAN WEINSTEIN: Yes. We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Actually, as is so often the case, Assemblymember Otis and I are like two brains with the same thought patterns happening through them. So that was exactly my question.

But I actually was inspired by the letter, Kate, that you wrote on the issue. And in particular, my concern -- we haven't had a chance to talk about this before. But I think it was over five years ago, maybe even 10 years ago at this point, the Comptroller put out an assessment of the full cost to upgrade our drinking water and wastewater. Each was about 40 billion, for a price tag of 80 billion -- which of course is
on the old system. We have pipes that are actually even still wood, let alone the lead mitigation that we have to do.

So I appreciated your comment as well that even 1 billion would barely scratch the surface. By the time we update, then we would have to start all over again.

But I'm curious -- the work that you've done, the advocacy, the input, you've heard the likelihood of reaching us -- if you think that this current estimate is accurate or we really should be doing a new study.

MS. BOICOURT: I think that -- just quickly to respond in terms of the need and then again I think I would say that Andy and I can follow up with the coalition and see if there's some follow-up there to dig into that a little bit.

But this is a historic time of federal investment, and we really need match right now to really take advantage of all of these opportunities. So like you said, the need is great, the time is now, and there is an opportunity to really expand what we've got
and invest where we need.

    So I think that we'll need to do some
follow-up for you, but just want to emphasize
that that need and the opportunity that is
right now and may not come again for several
years.

    ASSEMBLYWOMAN KELLES: And I'm not
sure what the current situation is. Is it a
one-to-one projected or proposed match,
federal match for the water infrastructure
right now?

    MS. BOICOURT: Andy, do you have that
number?

    MR. BICKING: No, I don't know that
off the top of my head. We can look into
that for you, though.

    ASSEMBLYWOMAN KELLES: That would be
great. Because that certainly would
influence how effective any investment could
be for us at the state level and might
influence what we can get into the budget.

    Thank you so much. I will cede my
last 35 seconds.

    CHAIRWOMAN KRUEGER: Thank you.
Helene, any other Assemblymember hands on --

CHAIRWOMAN WEINSTEIN: No, I believe that is it. So we're ready for the next panel.

CHAIRWOMAN KRUEGER: Thank you. Thank you all very much for being with us tonight.

And I'm moving on to Panel C: Parks & Trails New York, Will Cote; Adirondack Park Club, Kathy Pedler; Adirondack Council, Kevin Chlad -- and I'm missing one -- Catskill Mountainkeeper, Katherine Nadeau.

Hello, everybody.

MULTIPLE PANELISTS: Hello.

CHAIRWOMAN KRUEGER: We'll start with Parks & Trails.

MR. COTE: Yes, good evening.

Distinguished members of the Senate and the Assembly, thanks for the opportunity to present some testimony to you all this evening on behalf of Parks & Trails New York. My name is Will Cote. I'm the parks program director.

Since 1985, PTNY has been fighting to
improve our health, economy and quality of life through the use and enjoyment of green space. We champion the protection and enhancement of New York's magnificent state park system and greenways network, ensuring all New Yorkers have access to the outdoors for generations to come.

Last year was another historic one for public lands. Despite the relaxation of some public health guidelines as compared to 2020, our protected open space continued to see unprecedented levels of visitation and use. In fact, 2021 was the tenth straight year of increased visitation for our parks. Yes, the pandemic has accelerated New Yorkers' attraction to and need for nature, but this critical shift has been developing for decades. The pandemic simply brought it into focus.

The bottom line is New Yorkers desire more access to nature and more outdoor recreational opportunities and see it as essential to creating a healthier, more livable and equitable New York. And this is
why we applaud the Governor's proposed Executive Budget. It not only continues to address the renewal of our iconic state park system, but also ensures that we continue to protect and steward our precious open spaces, mitigate against the impacts of climate change, and help ensure our parks and historic sites are welcoming and accessible for everyone.

So we encourage the Legislature to continue further investing in the environment, specifically by supporting the following Executive Budget elements:

First, $200 million in capital investment for state parks, historic sites and the Empire State Trail through New York Works funding. This critical funding not only builds upon the decades-long revitalization of our iconic state parks system, but extends the legacy of our public lands by transforming flagship parks, addressing critical infrastructure needs, and expanding opportunities for local recreation.

Capital funding for OPRHP will ensure
that we have safe and attractive facilities, accessible and affordable services, and quality, welcoming experiences for all New Yorkers. We are optimistic that the Governor's proposed increase to 200 million is the first step towards achieving the goal of 300 million in capital funding, which is required to meet the needs of our state parks system. We look forward to working with the Legislature to meet this goal.

Second, a 15 percent increase in state parks operations appropriation, restoring the agency's capacity to some degree will help welcome a growing number of visitors and reach new and underserved audiences. For too long the agency has been pressed to do more with less, and addressing this imbalance will certainly help to create a more welcoming experience for everyone.

Third, a $400 million EPF. That will demonstrate a clear commitment to protecting our natural resources and bring us closer to achieving the environmental community's
long-term goal of a $500 million EPF.

Certainly the Connect Kids program being increased to 300 million is also an important line item to keep in mind.

Fourth, the 2 million for Park & Trail partnership grants. This capacity-building, competitive grant program, administered by PTNY in partnership with State Parks, has proven to be successful for promoting public/private partnerships. This additional funding will further advance private partnership efforts to steward state parks, foster nonprofit partnerships that will expand access to public lands, and address barriers to diversity, equity, inclusion within park communities and friends groups themselves.

Thank you very much for the opportunity to speak to you all tonight, and I look forward to working with you this coming session.

CHAIRWOMAN KRUEGER: Thank you very much.

Next to the Adirondack Mountain Club.
MS. PEDLER:  Good evening. Thank you all for being here for us tonight. Really appreciate it.

I'm Cathy Pedler, the director of advocacy for the Adirondack Mountain Club, which in its 100th year has three facilities in the Adirondack High Peaks, 37 full-time staff, a thousand volunteers, 50 seasonal staff who deliver outdoor educational programming, protect rare Alpine habitat, lead trips, build and maintain trails, and ensure that visitors to the High Peaks and other recreational lands across the state have safe, responsible, quality outdoor experiences.

Thank you for the opportunity to represent our 30,000 members and to comment on the Executive Budget proposal.

What I'd like to talk to you about tonight is the great need for dedicated funding for New York's Adirondack and Catskill Forest Preserve parks. We respectfully request 10 million of the proposed 50 million in the EPF State Land
Stewardship line, under the Parks and Recreation account, be dedicated for the Adirondack and Catskill parks.

Adirondack Mountain Club and 25 other conservation and municipal organizations and municipalities signed onto a letter urging Governor Hochul to include funding for critically needed services in the Forest Preserve parks, including trail work, recreational infrastructure, recreational planning and educational outreach.

In the State of the State address, the Governor responded by proposing that the EPF be used to support investments into the Catskills and Adirondack parks, and now the 50 million in the State Land Stewardship line of the historic 400 million EPF backs up the Governor's State of the State commitment.

The Catskill and Adirondack Forest Preserve parks together represent over 6.5 million acres — that's nearly a quarter of New York State. There are more than 25 million visitors to the Adirondacks and Catskills each year, bringing in $3 billion
annually to regional economies.

In our climate crisis, the Adirondacks and Catskills serve as the lungs of New York, combating climate change, providing oxygen, sequestering carbon. They protect critical habitat and provide fresh drinking water for more than 25 million people in two countries, including residents of New York City.

Supporting the Adirondack and Catskills Forest Preserve parks checks all the boxes: Health and recreation, environment and community, inclusivity, safety and economy. We respectfully request that at least 10 million is dedicated to the Catskill and Adirondack Forest Preserve parks, with a specific line in the EPF under State Land Stewardship.

Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Next, Kevin Chlad.

MR. CHLAD: Thank you so much.

Good evening, Chair Krueger, Chair Weinstein, and honored legislators. My name is Kevin Chlad. I'm the director of
government relations for the Adirondack
Council.

I just want to highlight three items
contained within our longer written
testimony, the first of which is a proposal
to establish a Timbuctoo Summer Climate and
Careers Institute. This is a proposed
CUNY/SUNY partnership that will provide
high schoolers with exposure to environmental
careers who may currently lack those
opportunities.

We're working to build a diverse green
jobs pipeline in the Adirondacks to meet the
carbon sequestration goals of the CLCPA, and
we consider this effort to be foundational to
that end. This program would cost
$2.1 million, and we hope that the
Legislature will add this to the budget.

The second item I want to bring to
your attention is called a Survey of Climate
Change and Adirondack Lakes Ecosystems.
Assemblymember Glick asked the commissioner
about this earlier today.

In the Adirondacks we have one of the
best water quality data sets anywhere in the world, and that data is currently collected by the Adirondack Lakes Survey Corp. The data set has been instrumental to Attorneys General in establishing standing for lawsuits to protect New Yorkers that suffer from asthma and other illnesses from upwind polluters like coal-fired power plants in the Ohio Valley.

The future of this research is at risk due to declining state and federal funding and in-kind contributions. We're asking the state to help this program survive and thrive, meeting 21st-century challenges, and we're hoping that will be accomplished by calling for a $6 million investment in this year's budget for a new water-quality survey conducted by a consortium of research partners.

Lastly, I want to touch on a very important cause that was mentioned by the DEC commissioner earlier today. Senator Kaminsky asked the commissioner about visitor use management in the Adirondack High Peaks. We
were thrilled that the commissioner
acknowledged the need to partner with a
national expert to undertake a 21st-century
approach to managing our public lands.

New York has done commendable work in funding
hiker shuttles, trailhead stewards,
port-a-johns, and summit stewards, all with
the intention of addressing overuse of
regions like the Adirondack High Peaks.

The VUMF, as we call it, is essential
to bring these different solutions together,
using data to know what is working and what
is not working. This will help DEC better
protect our natural resources, improve
visitor safety, foster equitable access, and
preserve our wilderness character. This
framework is used at our most popular
national parks.

The Executive Budget does not detail
out this proposal, and we recommend that the
final budget do so.

We are a member of the Clean Water and
Jobs Coalition and the Friends of New York's
Environment and support a $4 billion
Environmental Bond Act and a $400 million EPF.

Thanks so much for your time.

CHAIRWOMAN KRUEGER: Thank you.

Catskill Mountainkeeper.

MS. NADEAU: Hello. Thank you so much for having me this evening. It's wonderful to be here with you all.

So I wanted to hit on a couple of big issues tonight. First of all, I'm going to start with talking about funding the Catskill Park a bit.

So the Catskill Park and the region is a crown gem in New York State. It's part of the -- it's just a beautiful, beautiful region. And even though it's referred to as the Catskill Park, just like the Adirondack Park, we are not funded in any way out of the parks budget. All of the funding for the Catskill Forest Preserve comes through other pots of funding in the state budget.

So I think that's really important to understand as we talk about being very specific about where funding for the park
comes from, and making sure that it's getting
to where we want it to go.

So a couple of things to mention that
Mountainkeeper is focused on, is making sure
that there is at least a $400 million
Environmental Protection Fund. We
wholeheartedly support Governor Hochul's
proposal, and we are thrilled to see the EPF
getting its due and being elevated to this
level.

On that note, though, we want to make
sure that a portion of the stewardship
funding reaches the state's Forest Preserves.
And so in line with our colleagues at the
Adirondack Mountain Club, we're calling on
the Legislature to line out a $10 million
appropriation for the Adirondack Forest
Preserve and Catskill Forest Preserve in the
stewardship line, and to direct $5 million of
that appropriation to the Catskill Park and
Forest Preserve.

Again, making sure that we've got some
specificity about where the funding needs to
go and directing it in this manner will allow
the state to implement the High Peaks and the
Catskill advisory groups' strategic plans.
It will also help New Yorkers just enjoy the
Adirondacks and the Catskills responsibly,
supporting comprehensive planning, trail
safety and climate resiliency, accessibility,
ineclusivity, educational stewards, signs and
kiosks to orient visitors, and sanitation
facilities. So really making sure that
people who come into the Catskills and the
Adirondacks have a fantastic experience.

And as folks have been talking about
all day long, we were already trending more
and more visitors in the Catskills each year,
and the pandemic just saw that increase
exponentially. So really putting state
funding on the ground in the Catskills for a
great visitor experience is going to pay
dividends, because all of those visitors who
come to the Catskills not only get to enjoy
our beautiful park and region, but they're
also there investing in the park and region
as well.

There's a lot to like in the Executive
Budget, and we just wanted to point out our support for additional staffing at DEC. It's great to see the agency, again, getting its due when it comes to funding and making sure that we're putting boots on the ground to implement the agency's critically important mission to protect our state's lands and waters.

We also support increases in water infrastructure funding, both what the Governor called for and beyond. And I'd be happy to take any other questions as well, but I see my time has run out. So thank you.

CHAIRWOMAN KRUEGER: Thank you all very much.

Okay, we're going to start with Senator Michelle Hinchey.

SENATOR HINCHELY: Thank you very much. And thank you, everyone. I want to say thank you for being here and, first and foremost, I'm incredibly supportive of the funding for the Adirondacks and the Catskill Park.

We know how important outdoor space
is, and I'll speak specifically to the
Catskills especially as protecting New York
City's drinking water. We have historically
not given the Catskills enough attention in
how important that park is. And so thank you
for your advocacy.

My quick question, Katherine, is for
you, because I know we are here talking and
advocating for that EPF funding, which is
incredibly important, but we also fought for
and were able to secure funding in last
year's budget for stewardship, that you were
a big part of. So can you talk a little bit
about how important that funding was and what
that went to?

MS. NADEAU: Thank you for the
opportunity to answer that, because I ran out
of time before I got to mention it.

But thanks to partnership throughout
the Legislature, and led by Senator Hinchey,
we were able to secure funding in the Aid to
Localities line last year specifically for
stewards programs at the Catskills Center and
Catskills Mountainkeeper. We had stewards
right out there on the trail greeting
visitors, talking about leave no trace
principles, talking about where to go and
where to visit in the region, making sure
that -- you know, just doing basic trail
maintenance, so there was a public safety
aspect to their work as well.

And they're tremendously successful
and tremendously impactful. And so this
program allows us to extend the reach beyond
what DEC is able to do, beyond what the
Rangers are able to do, and to do it in a
really friendly, welcoming manner that brings
people into the Catskills and helps them
connect even further.

So we are again calling for funding
for the stewardship program. We'd love to
see that come out of the Environmental
Protection Fund. We're calling for $200,000
to be split evenly between the Catskills
Center and Catskills Mountainkeeper. And
we're really excited to partner with the
state again to make this a fantastic program
for the summer of 2022.
SENATOR HINCHY: Thank you. And you saw --

CHAIRWOMAN KRUEGER: Go ahead, I'm sorry, Senator.

SENATOR HINCHY: And you saw that that was a really effective program of welcoming people back, people who hadn't really been into wilderness areas before, right?

MS. NADEAU: Absolutely. Absolutely. Because we get a lot of visitors who are coming out for the first time. These aren't seasoned backpackers. So getting in there and talking with people, welcoming them, making sure they have a sense of where they're going, what they're doing and how to stay safe is super-important.

SENATOR HINCHY: Thank you very much.

CHAIRWOMAN KRUEGER: Thank you.

Assemblywoman.

CHAIRWOMAN WEINSTEIN: Yes, we have two members. Assemblywoman Hyndman first.

ASSEMBLYWOMAN HYNDMAN: Thank you,

Chair Weinstein.
And Kevin, it's really good to see you again. Last year the New York State Association of Black and Puerto Rican and Hispanic and Asian Legislators had the opportunity to visit the Adirondacks right before it got too cold, and it was a real eye-opening experience, especially for the Timbuctoo settlement, which allowed over 3,000 Black men to meet the property requirement, which gave them the right to vote in New York State. And we're talking about free Black men.

And that history was so inspiring and the caucus has pledged to support your $2.1 million ask in the budget to keep that historic pipeline of information viable and valid. So I want to thank you for the opportunity. I do plan to visit the Adirondacks again, and I think it's such a treasure that we have this in New York State, and we need to preserve it. So I'm just pledging my efforts in support to make sure that it continues.

And Kevin, thank you for being a great
host. And the history from Aaron Mair was 
life-changing -- I have to mention him.

Thank you.

MR. CHLAD: Thank you so much for 
putting your faith in us, and we look forward 
to having you back soon. Thanks.

ASSEMBLYWOMAN HYNDMAN: Thank you.

Thank you. That's all I have.

CHAIRWOMAN KRUEGER: Watch out,
Assemblywoman, next they'll get you on a 
farm.

CHAIRWOMAN WEINSTEIN: Next we will go 
to Assemblyman Otis.

ASSEMBLYMAN OTIS: Thank you, Helene.

Very quickly, all of you touched on in 
your statements about clean water. And I 
think for both the Adirondacks and the 
Catskills, very briefly if you could detail 
the dire nature of, in a sense, the increased 
popularity of these two regions and how that 
is affecting water quality and the pressures 
for these environmentally sensitive areas.

MR. CHLAD: Thank you, Assemblyman.

I'll just quickly start by highlighting a few
things we're seeing in the Adirondacks.
We'll share with you -- I'll follow up with
you and make sure we share our most recent
needs assessment.

Small communities are strapped with
the burden of funding these big, multi-
million-dollar water infrastructure projects
to protect clean water in one of the most
incredible resources we have in this country.
And it's just simply not affordable. These
are part-time legislators. They don't have a
grant-writing department. They're doing the
best they can.

And most recently, the Environmental
Facilities Corp. did away with its Technical
Assistance Program, and we're hopeful that
they will bring that back. That was
essential to these part-time supervisors that
are working to make these projects happen:
Small investment for a huge payout.

The other thing that I would flag in
terms of huge need is just to circle back to
my oral testimony. We need modern
water-quality data collection. We don't have
a full awareness of what's in the water, what
the current state of our water bodies are, so
it's one of the biggest things we can do.

Again, smaller investment for a huge payoff.

CHAIRWOMAN KRUEGER: Okay. Any more
questions?

CHAIRWOMAN WEINSTEIN: We have
another: Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Yeah, I just
wanted to pick up on that, on what you
mentioned about what the EFC had done away
with that provided assistance to small
localities. And I certainly have small
localities in my district. And, you know,
what you said about them not having the
ability to do grant-writing really resonates
with me.

If you could tell me what it was that
was removed, and if you have any idea what it
would cost to restore it.

MR. CHLAD: I don't know the figures
off the top of my head, but it's called the
Technical Assistance Program. There were
regional staff in all of the DEC regions that
provided support to local governments,
coaching them, training them on the process
of applying for water infrastructure grants
and low/zero-interest loans. And they knew
each and every detail, intimate detail of
every water-funding application, water
infrastructure application that was out
there. They had all the institutional
knowledge.

And that program was consolidated last
year and done away with, so we lost a lot of
important institutional knowledge. But
again, we're hopeful that that will be coming
back soon.

ASSEMBLYMAN BURDICK: If you could get
back to me with that, I'm sure that my
colleague Assemblyman Otis also, and others,
would support that. I think that there's
just a dire need for that.

As a former town supervisor, I did
have the good fortune of having a staff that
could handle it, but very few municipalities,
unless they're larger municipalities, have
that kind of capacity.
So please do follow up with me on that. I'd love to see it restored.

MR. CHLAD: Will do. Thank you, Assemblyman.

CHAIRWOMAN KRUEGER: I think there's one more Assemblymember.

CHAIRWOMAN WEINSTEIN: And now we go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Thank you so much.

And Chris, definitely share that information with me. Kevin, that was one of my questions as well. And I would love to see that funding, coming from local government myself.

It was always a huge struggle for us to help the smaller municipalities get the grants -- even if they existed, they didn't know. And secondly, they didn't have the expertise. And third, they didn't have the time. We were providing it through the county, but we had nowhere near the amount of funding that we needed to help our municipalities.
So yes, please do let us know.
And then thank you to all of you. I was in the Explorer Post as a kid. The Adirondacks were like my second home, my favorite experience in the entire world was literally sprinting down Lower Wolf Jaw. Will never, ever forget it. We always did winter camping. So you are so speaking my language.

And with that, I just wanted to make sure I understood where in Parks and Recreation -- so I have two questions. One, where that $10 million addition is, what line. Where it says public access and stewardship, is that the line where you want the 10 million allocated? I think, Katherine, you were talking about it --

MS. NADEAU: Yes.

ASSEMBLYWOMAN KELLES: -- specifically, and someone else was.

And then I have one other question, which is there was the funding that was removed from the Adirondack/Catskills Park overuse. And I'm concerned what that was,
what that was used for, what the loss -- what
the negative impact of that loss is going to
be. I know for me I'm worried, when the
trails are falling apart, that people go off
the trails, and that actually creates a huge
negative impact on some of the natural
ecosystems. We like to keep people on trails
as much as we can, from my experience.

So anyway, I just wanted your input on
those.

MS. NADEAU: Yeah. So just to take
the question about the funding, we're asking
for that in the stewardship line in the
Environmental Protection Fund, that
$10 million to be split between the Catskills
and the Adirondacks.

And I can let others speak to the
Essex County line that was cut out last year.

But just to -- I mean, just to uplift
what you're saying, Assemblywoman, this type
of funding for high-use areas is so
critically important. Because if we do not
invest now to protect our trails and to
protect what we have, in addition to building
and, you know, expanding, it's only going to
get more expensive, the problems only get
more severe. And it becomes more of a hazard
for everybody who's out there.

So I really appreciate what you're
saying here, and really hope the Legislature
can make these investments.

ASSEMBLYWOMAN KELLES: And I'd like to
just add what -- the way that they do these
trails, knowing you're miles and miles out,
it takes a tremendous amount of personnel,
you know, jerry-rigging ropes to carry
hundreds of pound of rocks. This is -- it's
not easy work. So, you know, it's not
something where it can be automated. And it
must be done in order to preserve the
ecosystem.

So I really appreciate all of you.

Thank you so much.

MR. CHLAD: Thank you.

CHAIRWOMAN KRUEGER: Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Krueger, we are -- the
Assembly is done with this panel.
CHAIRWOMAN KRUEGER: Thank you, Assembly.

And thank you so much to the panel, all four of you, for the work you do and for keeping us educated about what more we need to be doing for our parks and open spaces. So thank you for your participation.

And I'm now going to turn to Panel D. Got quite a few on this panel. Beyond Plastics, Judith Enck; American Chemistry Council, Craig Cookson; American Forest & Paper Association, Abigail Sztein -- with an unusual spelling; National Waste & Recycling Association, Anne Germain; Waste Management of New York, Susan Robinson; and Sure We Can, Ryan Castalia.

And hopefully Harvey Epstein's still here, because he had waste management questions earlier.

Okay, if you'd just like to start rolling with Judith Enck.

MS. ENCK: Good evening. I'm Judith Enck with Beyond Plastics, former EPA regional administrator.
I want to start by quoting congressmember Morris Udall, who said: "Everything has been said, but not by everyone." I want to cover four major points.

One is this is the 40th anniversary of the New York Bottle Bill. It's time to raise the deposit to a dime. And also cover noncarbonated beverages. This is a Coke bottle, it has a nickel deposit. This is an iced tea bottle, a nickle deposit -- it does not have a nickel deposit, so this is more likely to be littered. And it's time to update the Bottle Bill in many ways.

Second, I will talk a lot about extended producer responsibility. It's important that it not include chemical recycling, which is a type of burning plastic. There is a bill before you by Senator Mannion that would count plastic burning as recycling. It is not.

Third, it would be great to see a new category in the proposed Environmental Bond Act to cover waste reduction, reuse and
refill. We need to build that
infrastructure.

Let me start by saying I'm strongly
supportive of the concept of extended
producer responsibility, and my testimony
includes a model bill and a handy chart that
compares the model bill to Governor Hochul's
bill. I appreciate her putting a bill in;
however, there are significant problems with
Governor Hochul's extended producer
responsibility bill.

We are in the midst of a plastic
pollution crisis. The bill puts the
producers in charge of solving the problem.
When you all passed the climate change law,
you established goals that you wanted to see
the state achieve to drive down greenhouse
gas emissions. This bill puts the packaging
companies in charge of figuring out what
those goals are. So not surprisingly,
they're not going to be particularly
ambitious. There is an advisory committee
that is industry-dominated that is supposed
to sign off on the goals.
And we would never expect ExxonMobil or Shell to solve the climate change problem; we should not expect packaging companies to solve the packaging problem.

Instead, it should be the prerogative of the Legislature to figure out the goals, how do we make it transparent, how do we drive down toxics in packaging. This is how an effective extended producer responsibility law can work.

I have a lot of experience on waste issues. I'm happy to work with Assembly and Senate and the Governor's office to craft an extended producer responsibility bill that would actually reduce packaging, get funding to local governments for recycling, be transparent and get toxics out of the waste stream. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Next is the American Chemistry Council.

MR. COOKSON: Good evening,

Chairpersons Weinstein, Krueger, and members
of the joint committee. My name is Craig Cookson. I'm the senior director of plastics sustainability at the American Chemistry Council.

The American Chemistry Council is the national trade association representing the U.S. chemical industry, including the leading manufacturers of plastic resins.

ACC strongly encourages the committee to support New York's interest in ensuring that greater amounts of our post-use packaging materials, especially plastics, are recycled and converted into feedstock for new plastics and useful products.

ACC is not opposed to Section RR, extended producer responsibility in the Executive Budget. However, in order for EPR to be successful in New York, we strongly support ensuring advanced recycling technologies are regulated as manufacturing facilities in New York State. Advanced recycling helps us decrease plastic waste, support continued progress toward zero waste, and sustainability goals for communities and
states.

We respectfully request the committee adds the language from S7891 -- that's Senator Mannion's bill -- to Section RR, extended producer responsibility, that classifies advanced recycling technologies as manufacturing facilities in New York. New Yorkers have the opportunity to recycle greater amounts and types of plastics packaging.

So let me tell you why this is important. Advanced recycling takes hard-to-recycle plastics and refers to several different technologies that convert used plastics into their original building blocks, to produce new plastics, waxes, and other valuable products. Right now New York and much of the United States does a fairly good job of mechanically recycling our soda and water bottles as well as milk jugs and detergent bottles. However, it is challenging to mechanically recycle hard-to-recycle plastics such as pouches and tubes. These plastics have been a crucial
material benefiting people's well-being,
especially during this pandemic. Think home
test kits, which we're all using right now.

In order to reuse these valued plastic
resources and not landfill or burn them, we
need innovative solutions like advanced
recycling. And let me state clearly for the
record, these technologies convert used
plastics into valuable raw materials and are
not incineration or burning, as the last
witness just said.

So let's talk about a few examples.

Just recently Wendy's -- who doesn't love
Wendy's -- announced that they were switching
from their lined paper drink cups to an
all-plastic cup made with 20 percent recycled
plastics thanks to advanced recycling.
Herbal Essence, one of the highest-profile
brands of Procter & Gamble, has announced a
partnership with Eastman to produce five
shampoo and conditioner bottles made from
50 percent certified recycled plastic.

As manufacturers, these technologies
are subject to a litany of federal, state and
local environmental regulations. So we strongly encourage New York to seize this opportunity to recycle more types and greater amounts of plastics. Fifteen states, now including Pennsylvania, have enacted legislation very similar to Senator Mannion's legislation encouraging advanced recycling. Neighboring states -- New Jersey, Rhode Island, New Hampshire -- have introduced similar legislation.

I ask that you consider how a producer responsibility system will increase the supply of post-use packaging, and advanced recycling will complement the system by driving demand.

Lastly, ACC has submitted written testimony on the ban on PFOS and phthalates in packaging, expands it to all packaging -- but we could only have one witness today, me, so we have submitted written comments.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next we have the American Forest & Paper Association.
MS. SZTEIN: Good evening, and thank you for the opportunity to speak today. My name is Abigail Sztein, and I represent AF&PA. In New York the forest products industry employs more than 27,000 individuals in 224 facilities around the state.

Extended producer responsibility policies are typically applied as a solution for hazardous, hard-to-handle materials with low recycling rates. The paper industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches, so we must respectfully oppose the EPR Act as drafted.

Nearly 66 percent of paper was recovered for recycling in 2020, and we have met or exceeded 63 percent since 2009. In fact, according to the U.S. EPA, more paper by weight is recovered for recycling from municipal waste streams than plastic, glass, steel and aluminum combined.

Recycling is integrated into our business. Our members own 114 materials
recovery facilities, including one in New York, and 80 percent of paper mills use some amount of recycled fiber. Eighty-eight percent of New Yorkers have access to curbside recycling. The industry has also planned or announced around $5 billion in manufacturing infrastructure investments by 2023 that will result in an over 8-million-ton increase in capacity for recycled fiber.

So for a highly recyclable material like paper, EPR could disrupt efficient and successful paper recycling streams in an attempt to improve the least effective ones. Without sufficient protections, there's a strong potential that fees paid by highly successful products will be subsidizing low-performing products. This could result in certain producers contributing fees with little benefit to their own products, but rather support infrastructure improvement for competing materials.

Another concern is recycled content requirements, which are not a
one-size-fits-all solution. Currently
recovered paper fiber can be put toward the
most efficient and appropriate uses as
determined by marketplace dynamics. But
setting mandates in statute removes the
flexibility of directing collected materials
to their best use as markets change and new
products are developed.

Mandating recycled content in paper
and paper-based packaging also does not
recognize the unique characteristics of paper
coming from a sustainably managed renewable
natural resource. New York has both virgin
and recovered fiber available, and supporting
family-wage jobs within state borders,
legislation should take all fiber sources
into consideration.

Future legislation should be based on
sound policy to benefit the environment and
best practices for doing business in the
state. The effort of industries that have
invested decades and billions of dollars into
successful, sustainable materials management
should be recognized, and we should not be
required to fund others who have not made
similar efforts and investments.

Thank you for your time.

CHAIRWOMAN KRUEGER: Thank you very
much.

Next is the National Waste & Recycling
Association.

MS. GERMAIN: Thank you for allowing
me to testify on behalf of the National Waste
& Recycling Association's New York chapter.
My name is Anne Germain, and I am the COO and
senior vice president of regulatory affairs.

NWRA represents the private-sector
waste and recycling industry, and our members
are committed to supporting the development
of economically sustainable and
environmentally friendly recycling. Given
our role in the recycling industry, we are
keenly interested in EPR legislation. EPR
has the potential to provide local
governments with increased funding to support
and improve recycling.

However, we have some concerns about
how EPR might get implemented. Besides NWRA,
there are numerous other stakeholders who likely have similar concerns. In order to implement EPR that considers relevant input, EPR legislation should establish an advisory committee that includes all stakeholders. Further, the state should ensure that the advisory committee's input is adequately considered before approving any plan.

We also support the free market. Maintaining competition will control costs, which will still indirectly be borne by the public. For that reason, EPR programs should take advantage of existing recycling infrastructure and build on it rather than creating new or duplicative facilities unnecessarily.

Municipalities and MRFs should be incentivized to generate high-quality products by giving them a portion of the recyclable sales revenues. In addition, local governments should retain control over recycling with reimbursement from the PROs. Municipalities know their communities. They currently provide recycling and other
services such as trash, yard waste and organics management.

Finally, it should be recognized that EPR is not a silver bullet. For example, EPR has not increased the amount of packaging that is designed for recycling. EPR has not created end markets. When China closed its doors, countries with EPR were selling into the same end markets and were impacted similarly.

And EPR does not create recycled content and packaging. Instead, it is a financial mechanism that will allow municipalities to weather commodity fluctuations. Yet EPR will also increase the supply of recyclables, which can further exacerbate the supply/demand imbalance.

Recognizing that, we support alternative recycling legislation that will reduce market volatility. These include establishing minimum content requirements for packaging, establishing labeling requirements that reduce consumer confusion, updating New York's Bottle Bill, and focusing on
hard-to-handle materials such as batteries, that are currently wreaking havoc in our recycling systems.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

Apparently No. 20 was having technical difficulties. Have we gotten Susan Robinson back yet?

THE MODERATOR: Not yet, Senator.

We're working on it.

CHAIRWOMAN KRUEGER: Okay. Okay, Thank you. We will jump to 21 and hope that we can get 20 back.

So Ryan Castalia.

MR. CASTALIA: Hello. And thank you, Chair Krueger and Chair Weinstein, for the opportunity to testify today.

My name is Ryan Castalia. I'm the executive director of Sure We Can, New York City's only nonprofit serving cannners, those who collect and redeem bottles and cans to earn income.

I'd like to lift up and emphasize the
points made by Judith Enck, of whom we're a
great admirer at Sure We Can.

The New York State Bottle Bill, which
profoundly shapes the lives of canners, has
been an incredible success story. Like other
bottle bills in the United States and across
the world, it's led to waste diversion rates
for the materials it covers that surpass by
far most municipal recycling systems.

In New York, work done under the
Bottle Bill reduces street litter by
70 percent, and in 2020 helped recycle
5.5 billion bottles and cans -- over 200,000
tons -- at no cost to local governments. The
state even earns income from deposits that go
unredeemed. The more than 100 redemption
centers in our coalition support the jobs of
over 5,000 employees.

Importantly, the Bottle Bill also
helps some of New York's most marginalized
and underserved people earn crucial income,
especially working as freelance recyclers
who capture what falls through the cracks of
municipal systems.
The Bottle Bill is an extant and effective example of extended producer responsibility. We've heard arguments that Bottle Bill expansion is a distraction from pursuing holistic EPR in New York State. We feel this couldn't be further from the truth. The Bottle Bill is EPR, and it works.

Rather than shifting direction to create new and unwieldy systems that cede oversight and control to profit-motivated producers over the state and the people it represents, we should expand the scope of what is already working and reap the rewards of higher recycling rates, greater community participation in recycling, and greater community benefit in the form of less litter, less landfill waste, and more income for underserved people.

The narrative of competition between the Bottle Bill and EPR is one that creates confusion on all sides and only benefits those who stand to gain from a system that is more obscure, exclusive, and expensive.

Bottle deposits work because they
empower normal people to engage directly with sustainability and recognize the real value, for themselves and for society, of materials and of the act of recycling.

Unfortunately, today the Bottle Bill is out of date. The 5-cent deposit on beverages, which is 40 years old, is not enough to encourage public participation or to support the stigmatized workers who depend on it for income. Entire categories of beverage containers, like juice, coffee, wine, and liquor, are not included.

I urge you to consider that in New York, the bottle deposit should be raised from 5 cents to 10 cents. The handling fee that supports community redemption centers like ours should rise from 3.5 cents to 5 cents. All beverage containers should carry the deposit.

The work -- and workers -- that have kept our streets clean from bottle and can litter for decades should be recognized and nurtured. A bigger, better Bottle Bill is just the beginning. For those interested in
digging deeper, please join us for the
New York City Solid Waste Advisory Board's
hearings on EPR tomorrow.

Thank you so much again for your time.

CHAIRWOMAN KRUEGER: Thank you very
much, Ryan.

All right, any more luck with getting
Susan Robinson back online?

THE MODERATOR: Not yet, Senator.

CHAIRWOMAN KRUEGER: All right. I'm
going to start questions, and if we still get
Susan on, we will stop, let her testify, and
then keep going.

So with that, I see Senator Rachel
May's hand up.

SENATOR MAY: Yes, thank you,
Chair Krueger. And thanks to everybody who
presented.

This question is aimed at Judith and
Ryan. Thank you for speaking up about the
Bottle Bill. I was a little nonplussed when
I asked the commissioner, Commissioner Seggos
about it and he immediately started talking
about EPR. And not that I don't support EPR,
but I think confusing the two is a mistake.

So I guess I'm wondering if you can say just a little bit more about how we can keep those two concepts separate, if we should. And for the Bottle Bill, Ryan, I just have a question because I'm a big supporter of the Bottle Bill, I carry some bills that would expand it. But where I used to live there were people who would come and just root through our trash and make a huge mess in order to find the bottles that they might be able to pull out.

And I'm wondering if there are better solutions, if there are ways people can donate their bottles to -- you know, in a more sanitary way to people who might then be able to recover them.

MR. CASTALIA: Absolutely. Thanks for your question. I'll answer the last part first and say that -- I mean, I recognize, absolutely, that's an issue. It's an issue in our neighborhoods too.

However, we think through investment from institutions, including the state or the
city, that structures can be created that
really support coexistence here, like a
modernized containerization systems that are
canner-friendly, messaging out to communities
to encourage the type of -- like a new stream
in recycling that could be just for
redeemables so people will be encouraged and
incentivized to separate those containers
before they go into the curbside mix, so that
we're not encountering those issues of
cleanliness and broken bags.

I'd also like to say -- I want to give
Judith a chance to respond too -- that
there's many forms of EPR, as we've already
heard from other panelists. And what we're
here to advocate for is a type of EPR that's
community-inclusive, both in the level of the
workers who are doing it and the people who
have oversight over the system. So that
means you, that means me, that means the
canners that we serve, we are all just in
this together.

MS. ENCK: And I would just add that
the Bottle Bill is a perfect example of EPR.
The producers have to take some responsibility to take it back rather than foisting costs onto taxpayers and others.

Unfortunately, Senator, there are two provisions in the Governor's EPR bill that actually may undercut the Bottle Bill, by saying that noncarbonated beverages, for instance, can't be added in the future.

So I think you are all incredibly capable and you can handle both updating the Bottle Bill, which is relatively straightforward, and developing an extended producer responsibility bill that has actual standards and goals in it, and they can complement each other. The Bottle Bill's been around for 40 years, it's not perfect. New Yorkers are used to it. It's a great way to reduce litter. The people that Ryan work with are providing an enormous public service and --

CHAIRWOMAN KRUEGER: Judith, I have to cut you off, I'm sorry. But we have many people questioning, so you might get a follow-up question.
CHAIRWOMAN WEINSTEIN: Yes, we do have a number of Assemblymembers.

We'll start with Assemblyman Ra.

ASSEMBLYMAN RA: Thank you, Chair.

Good evening, everybody. I have some questions for Mr. Cookson.

Regarding the advanced recycling, my understanding is there's 14 states that have passed laws regulating advanced recycling facilities as manufacturing facilities. So obviously there's an industry out there.

Any thoughts on, you know, companies that are out there and whether they are looking to get into the New York market if we really do this?

MR. COOKSON: Yeah, that's a great question, and thank you. And actually, interesting thing is South Carolina's governor just signed their legislation into law the other day, so technically it's 15 states. So 15 and counting. Hopefully New York can be the 16th.

Yeah, there are many companies
interested in New York. Number one, it's a big state. You obviously generate a decent amount of plastics. We've estimated that if New York sort of just recovered 25 percent of the plastics that are currently going to landfills and incinerators right now, and built advanced recycling facilities, it would add about $502 million in annual economic output.

And as I mentioned, you're taking plastics and you're recycling them into a feedstock that then displaces a virgin feedstock. Right? So you would displace virgin plastics of around 877,000 tons. So think about the impact that would have, really positive impact, on the environment.

Companies like Brightmark are -- were going to try to testify today. Of course so many companies didn't have the opportunity to. They actually do renewable natural gas as well, with business in New York.

Braven Environmental is a very interesting company. It was actually birthed in Yonkers, New York. They moved their
facility several years ago down to Raleigh, North Carolina, but it's run by a couple of New Yorkers. They would love to be in New York with an opportunity, you know, if you regulated advanced recycling as manufacturing. They are doing great work. They have off-take agreements with Chevron Phillips Chemical.

So yes, so New York is a very attractive state for many companies that are doing this work.

ASSEMBLYMAN RA: So before I run out of time here, so like what are some examples of the types of post-use plastics that are recycled at these facilities?

MR. COOKSON: Yeah, that's a great question.

You know, think of the plastics that are kind of tough to recycle right now. I mean, we do a good job, like I said, of recycling our milk jugs, our detergent bottles, our soda and water bottles. But it's kind of everything else.

Think about pouches, that whole --
granola or snack mix. Think about tubes,
your plastic tubes of face cream or
toothpaste. Think about agricultural film or
sometimes film that's found at the back of
different distribution centers and
warehouses. Those are harder-to-recycle
plastics and don't have great end markets
right now.

So a producer responsibility system in
New York would help that supply, grow that
supply, and then the advanced recycling would
be the demand. So it really complements
mechanical recycling and helps grow the
amounts and types of plastics that could be
recycled in New York.

ASSEMBLYMAN RA: Great. Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Let's see. Senator O'Mara. Hello.

SENATOR O'MARA: I'm still here, Liz.

Thank you.

CHAIRWOMAN KRUEGER: Yes, you are.

SENATOR O'MARA: All right, let me
start out here as quick as I can and follow
up with Craig, because I had a couple of
questions on advanced recycling, since it's
certainly interested me since China stopped
taking our plastic waste several years ago.

And you answered a lot about the
opportunities here, but can you speak briefly
about two things that maybe you didn't get to
there. On the opportunities in New York
State for advanced recycling, what kind of
jobs would we be potentially thinking of in
New York that could be created in an industry
of recycling and taking advantage of this?

And then also address the emissions,
the environmental emissions from the process
of this advanced recycling.

MR. COOKSON: Sure. Two great
questions.

So first of all, types of jobs. I
mean, first of all, these are manufacturing
plants. So in the build phase, think of lots
of good construction union jobs, right, in
cement, in steel, in pipe, electricians,
engineering. Right? So chemical engineers,
right. So really good jobs.

And then of course once the plant is
operational, you need workers to make sure
that the plant is running. Again, very
high-tech jobs. This is a very high-tech
process, right? You're taking plastics; that
really is chemistry in motion.

And remind me real quick, your second
question?

SENATOR O'MARA: Emissions from the
process.

MR. COOKSON: Oh, emissions, yeah.
All right. Yeah, the emissions are very
benign.

So these technologies, what they do is
they take plastics, they heat them in the
absence of oxygen. So I want to just state
again, they're not burning plastics. Right?
Because if they burn anything, then they lose
that -- those resources to sell as a product.

They heat plastics in the absence of
oxygen until they turn into liquids, they
keep heating them until they turn into gas
vapors. And then you cool and condense those
gas vapors down to that liquid feedstock that
becomes a new feedstock for chemicals and
plastics again.

Now, there is a little bit of natural gas that's used to get the system started. Right? So think a boiler. There's also non-condensable gases that come off the system that are used as process energy, so you don't need virgin natural gas. So it's similar to a boiler that would heat hot water or steam at a college, at Syracuse University, or a hospital.

There's a report by Good Company that goes into all the emissions and says that, look, when you look at food manufacturing, hospitals, universities, the buildings and institutions we want in our communities, the emissions are the same or lower than those facilities.

SENATOR O'MARA: Thank you for that. I want to move on quickly. Abigail, on the forest and paper industry in New York, which is extremely important to our forest industries as well as the many jobs it provides.

I know you're here talking about
recycling, but are you capable of answering
what the impacts and extra costs to the paper
industry in New York will be as a result of
some of these requirements of the Green
New Deal in New York?

MS. SZTEIN: That's a really great
question, and not one that I have notes
prepared for you today. We are working on
some comprehensive comments that we'll be
presenting as a part of the process later on
this year.

I know that John Bartow, with the
Empire State Forest Products Association, is
on the next panel, and he might be able to
get into that in more detail. Without
actually passing the buck to him --

SENATOR O'MARA: All right. No, I get
it. You know, I know you're here on this
issue. I'd forgotten he's coming up next.

But thank you. My time is up.

CHAIRWOMAN WEINSTEIN: Thank you.

We have a number of Assemblymembers.

We can go to Assemblyman Otis first.

ASSEMBLYMAN OTIS: Thank you, Helene.
I have a question for Judith. I was very concerned in reading your testimony having to do with the toxic packaging materials. And it seems like there's no good outcome for them. If they go through normal waste disposal, it's not good. If they're littered, it's not good. And they probably cause -- create -- demand a lot of energy to produce them to begin with.

In packaging today, some enlightened businesses have gone to very safe packaging. It's all sort of cardboard that you can easily recycle. But can you share a little more detail about some of the pollution or external energy cost impacts of this type of activity?

MS. ENCK: Sure. So toxics are a particular problem with certain packaging -- for instance, PFAS is in some paper packaging. The biggest problem, though, is plastic packaging. And you don't want to recycle material over and over again and concentrate the toxins.

So Governor Hochul doesn't have toxins
in her EPR bill, but she has an accompanying  
bill that would dramatically reduce the  
presence of PFAS chemicals and phthalates in  
packaging. I think that's a good start.  

But the model bill that I and others  
have worked on has a much longer list of  
toxins that should be phased out of consumer  
packaging.

ASSEMBLYMAN OTIS: Great. Well, we'll  
follow up with you on that.  

Thank you, Judith.  

MS. ENCK: Sure thing.  

CHAIRWOMAN KRUEGER: Thank you.  

CHAIRWOMAN WEINSTEIN: Senator  

Krueger, do you have any --  

CHAIRWOMAN KRUEGER: I'm looking  
carefully. You know, we get later and my  
eyes get worse. But I don't believe I see  
any more Senators right now.  

CHAIRWOMAN WEINSTEIN: So let me go  
through some -- call out some of the  
Assemblymembers to go -- to question this  
panel. We'll go to Assemblymember Lunsford,  
to be followed by Assemblyman Palmesano.
ASSEMBLYWOMAN LUNSFORD: Were we able
to get Susan Robinson back?

THE MODERATOR: No, we're still
working on it.

ASSEMBLYWOMAN LUNSFORD: So very
unfortunately, my questions were for her. I
will just -- I will ask a question. If we
can get her back, I'd love to hear the
answer.

Waste Management operates the
High Acres Landfill, which is the failing
landfill in my district. We've been dealing
with fugitive gas odors from them for over
four years. We had over 50 complaints for
them today. I hear a lot from Waste
Management about their sustainability models.
I hear a lot from their community
representatives frankly gaslighting people in
my community, telling them that they can't
smell what they smell. And I would have
loved an opportunity to talk to her about
that.

But if she can make it back on, I'd
love to know what Waste Management, one of
the largest haulers in our state, is going to
do to help support organic waste diversion
and figure out ways to make that market more
amenable to people so that we can begin to
deal with the things that are making my
landfill smell.

So if she has an opportunity to
respond to those questions here tonight, I'd
love to hear it. Otherwise she can reach out
to my office. Thank you.

CHAIRWOMAN WEINSTEIN: Thank you.

So now we'll go to Assemblyman
Palmesano.

ASSEMBLYMAN PALMESANO: Yes, good
evening. Thank you for your patience.

I wanted to just kind of talk about
the extended producer responsibility issue a
little bit. I've been hearing about this
issue, starting last year with the
legislation, primarily from farm wineries,
which I have a number of farm wineries. I
think I have more farm wineries in my
district than any other member of the
Legislature. Also the organization that
represents I think a number of -- like 480 wineries across the state, expressing their concerns.

And then once this was included in the budget, I think it heightened the level of concern. And I know a number of you have been talking about that, certainly on the farm and agricultural side, you know, how that would impact their agricultural operations and their farm operations.

So I guess my main question to you, since this is included in the budget -- and I know many of you offered some insights on this -- and we're talking about a $216 billion budget, would it be your recommendation to us in the Legislature to push back to Governor Hochul and say, Listen, we appreciate your attention on this issue but we should pull this out of the budget, maybe conduct some hearings, public hearings on this, invite stakeholders so we can get feedback from all those who will be impacted by this so if this is the direction we're going, we can do it the proper way and the
right way instead of trying to rush and squeeze it in the middle of a $216 billion budget document? And then obviously conduct maybe a needs assessment to really kind of see where we are with the process. Would it be your recommendation to us to take a step back, keep focusing on this issue but take it out of the budget and keep working and moving forward with these public hearings, with the stakeholders who would be impacted by this? Because far too often, you know, I believe people have good intentions, but we always don't include the stakeholders on a number of these issues. And I think maybe by having public hearings like we do on a host of issues, would that be the better approach so stakeholders can come forward and talk about that and have roundtables and then really kind of see where we're going from that perspective? Would that be the recommendation of the panel here, primarily?

MS. ENCK: Well, I always support more public participation. I think public hearings and roundtables are a good idea.
It's certainly up to the Legislature if you want to do this as part of the budget or not.

I've only been looking at extended producer responsibility for about 25 years, and the concept is sound. But we've got to get the structure right. I think this will actually help wineries in the Finger Lakes. We can have conversations about refillable glass bottles. And the reason I suggested something in the bond act for waste reduction is we could have commercial bottle operations to support wineries.

ASSEMBLYMAN PALMESANO: And I think they want to be part of that discussion. I think they just want to have a seat at the table. Because I think right now just thrusting this upon them without any structure or organization, they're not ready for that fiscally or mechanically. And I think that's the concern.

And also I just wondered, what's your thoughts -- should we pull this out, look at it and do it from an individual perspective? And should we have local governments retain
control of this process?

CHAIRWOMAN WEINSTEIN: We will go to Assemblywoman Hyndman.

ASSEMBLYWOMAN HYNDMAN: Thank you very much. I have two waste transfer facilities in my district, and I've learned more about solid waste than I could ever have imagined. I've been to Covanta, which is one of the their facilities in Nassau County, and a Brooklyn facility near the waterfront. And I saw the vast amounts of plastic. It was really mind-boggling to see the amount of waste that we have contributed to society.

So my questions are just for Craig. And you mentioned the two facilities in North Carolina and South Carolina. And do those facilities contribute to the -- do they offer a tax base or a revenue to those two states?

MR. COOKSON: So let me first start with -- a great question, and kind of piggybacking off what one of the earlier lawmakers said as well, is you said you saw a lot of plastics, right, at the transfer
facility in Brooklyn as well --

ASSEMBLYWOMAN HYNDMAN: More than I ever would have imagined.

MR. COOKSON: And so plastics -- let's -- you know, they have a great sustainability story to tell. Right? I mean, keep food fresh longer, very important. Food waste is a huge contributor to greenhouse gas emissions. Lightweight our automobiles, help buildings be more energy efficient. But we candidly agree, we have not done a good enough job of recycling and recovering plastics after they've been used.

So as we're talking about the budget here today, it's very important, you know, from a producer responsibility system, is that's going to help with the supply, right? It's going to bring money into the system that's going to get better collection, better outreach to residents to help them recycle smarter, provide more access.

But we also need the demand. Those plastics that you saw, the challenge is is there aren't strong end-markets for those
plastics. So that's where advanced recycling comes in. It can take a heterogeneous mix of plastics, it can take those harder-to-recycle plastics -- as I mentioned, the pouches and the tubes and the films, other -- you know, lids, things like that. So there's a real good opportunity.

Now, yes, if built, you know, the facilities in North Carolina, yes, offer a solid tax base. Right? Because they pay good wages. Also the economic impact of jobs in the community.

Closed Loop Partners -- so hope folks can look up the study afterwards, or we can provide it -- they estimated several years ago in a report on advanced recycling that if we fully commercialize this industry in the United States and Canada, it could provide $120 billion in economic impact. Much better than shipping our plastics over to China or overseas. Right? Let's take care of our post-use materials here in the United States and New York.

ASSEMBLYWOMAN HYNDMAN: Would these
facilities comply with New York's Climate Leadership and Community Protection Act?

MR. COOKSON: Yes, of course.

ASSEMBLYWOMAN HYNDMAN: Thank you.

MR. COOKSON: Thank you.

CHAIRWOMAN WEINSTEIN: We go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Yes, I just wanted to follow up with Assemblymember Hyndman's questions with -- and share a few of my concerns with advanced recycling just to ask input.

The evaluation of the industry across the country has actually resulted in a lot of data showing companies struggling with the same obstacles that have bedeviled traditional recyclers for decades. And that's like expensive collecting, sorting and cleaning plastic trash, and creating end products that can compete on price and quality. And so that has led to a lot of the companies closing or struggling economically.

And my other concern is that despite -- there's been a scarcity of data --
a lot of this has been pushed by the oil and
gas industry. But the studies that do exist
show that pyrolysis and gasification of
plastic waste releases toxic substances,
toxic additives and contaminants, some of
which are already banned by national
regulations, such as bisphenol A, cadmium,
benzene, brominated compounds, phthalates,
lead, tin, antimony and volatile organic
compounds -- the list continues.

So, you know, I'm concerned and I
think that the -- you know, industry is not
at a place that it would actually meet the
CLCPA standards, particularly at these
facilities or in areas that are, you know,
magnifying issues with environmental justice
communities. So I just wanted to add my
concern about that.

And switching gears really quickly to
the EPR in the budget. This is a question
for Ryan and Judith. Can you talk a little
bit more of the details that you would like
to see beyond the consumer participation?
And Judith, you mentioned several as well,
and my brain is blowing up and exhausted. But I'd love to hear some more of the details because I know of the concern with what is currently in the budget.

MS. ENCK: Yeah, we've given you a model bill. And just like you have fuel efficiency standards for cars and appliances, we need environmental standards for packaging. And we shouldn't leave it to the packaging industry to figure that out, which unfortunately is what the budget bill does.

The budget bill also does allow for some degree of chemical recycling. Chemical recycling is not the smart direction to take. In fact, in Senator Mannion's bill that was referenced in testimony, these, quote, advanced recycling facilities shall be exempt from permitting and regulatory requirements applicable to solid waste management facilities. That speaks volumes. There's no federal regulation of the facility, and the chemical companies are trying to become exempt from state regulation.

ASSEMBLYWOMAN KELLES: Thank you.
CHAIRWOMAN WEINSTEIN: Okay, we go to Assemblyman Burdick.

ASSEMBLYMAN BURDICK: Thank you, Chair Weinstein.

I have some questions for Judith. And I was noticing in your written testimony you had the list that you referred to before of toxic chemicals that should be banned from the sale or distribution of packaging. You also made reference at the end to a model bill, and I'm wondering if you could provide that to us.

I think that one of the questions that certainly would come up -- and perhaps you can address it -- is that if you were to ban all of these chemicals, then what kind of substitutes might be available and at what cost?

MS. ENCK: Sure. And I'm happy to provide you with the model bill.

There are thousands of chemicals used in commerce -- about 8,000. Very few have been tested for health and environmental impacts. So we're recommending that you
eliminate the most toxic chemicals first.

There are a number of less-toxic chemicals than the ones we list. And I think it's really good to have conversations with the public: Do we want formaldehyde in consumer packaging? Do we want perchlorate? Do we want cadmium and mercury?

Those are the chemicals that we need to get out of packaging, particularly if you want mechanical recycling to rise higher than the anemic current plastic recycling rate of 8.5 percent. There is not enough going on with green chemistry. And when I was in the Governor's office, I was a champion of the Pollution Prevention Institute at I think the University of Rochester. They should be pulled in for --

ASSEMBLYMAN BURDICK: Can I just ask one other question, though?

MS. ENCK: Yeah.

ASSEMBLYMAN BURDICK: But then I don't think you're still answering the question about the substitutes and whether cost-effective substitutes are available.
MS. ENCK: Yes. Unfortunately, chemicals are very cheap. There are many, many alternatives than -- to the ones we list in the bill.

ASSEMBLYMAN BURDICK: I see. Good. Well, thank you. That's very helpful to have that. So I look forward to seeing the model bill. Thank you. That's all.

CHAIRWOMAN WEINSTEIN: We still have Assemblyman Englebright, and then Assemblyman Walczyk.

ASSEMBLYMAN ENGLEBRIGHT: Thank you, Madam Chair.

I want to just reflect for a minute on some of what I just heard about the promise of recycling of mixed-use plastics. In the early 1980s, I was in the Suffolk County Legislature. Judith -- both of us were younger then, but I think you have the long view on this. We passed -- after the longest hearing in the history of the county legislature, we passed the plastics bill that banned single-use plastics.

The industry came back in force. They
first sued the county, and two years later
when the county finally won, they influenced
enough of my colleagues in the county
legislature to make it a voluntary program
because they promised recycling. And they
promised that this was going to be a new
moment in the history of solid waste.

From your perspective, should we trust
this industry? Has it changed? Because back
in the mid-1980s they made those promises and
then they broke those promises. And now
we're looking at the possibility, it seems to
me, at the state level -- not just the county
level, but at the state level of being placed
in a position of relying upon those same
instincts and initiatives.

And I'm just wondering if I've missed
something or whether there really has been a
sea change in the corporate mentality,
strategy and ethic.

MS. ENCK: Well, Assemblyman, I would
argue that it's actually gotten worse.
And we shouldn't be surprised by it.

Plastics are made from chemicals and fossil
fuels. And so while we're pushing to reduce plastic, because it's devastating the ocean, contributing to climate change, and resulting in more emissions in environmental justice communities that host incinerators and landfills -- I understand, companies want to sell chemicals and fossil fuels. That's where the Legislature needs to step in.

For 30 years we were told, don't worry about plastic packaging, just put it in your recycling bin. And the recycling rate for plastics is 8.5 percent. Now we're told, no, rely on advanced recycling, which -- I'm really happy to have a more detailed conversation -- is a type of burning. It's called pyrolysis, p-y-r-o. The gentleman from the Chemical Council today said it's heating at high temperature to liquid to gas vapors with natural gas. That does not sound really benign.

And that is why the bill from Senator Mannion attempts to exempt chemical recycling from major environmental permitting.
So in short, I think it's gotten worse and why the State Legislature should pass a very strong EPR bill that actually works.

CHAIRWOMAN WEINSTEIN: Thank you.

ASSEMBLYMAN ENGLEBRIGHT: Madam Chair, thank you very much.

CHAIRWOMAN WEINSTEIN: We'll go to Assemblyman Walczyk.

ASSEMBLYMAN WALCZYK: Thanks, Madam Chair.

Should we be wasting our time recycling glass?

MS. ENCK: I think we should put in systems to refill glass, like soda bottles, the way it used to be, and wine bottles. Because wineries are spending a lot of money buying glass. If you can't refill, definitely keep recycling glass because it's better than sending it to incinerators and landfills. We have to not fill up landfills. And glass doesn't burn particularly well when it goes to the Covanta incinerator or other incinerator facilities. And then --

ASSEMBLYMAN WALCZYK: Are you guys all
unanimous on that?

Because there's -- I mean, there's no market for cullet. Most of the glass that gets recycled in New York State is getting dumped into a landfill after it goes through all of this. It's a MRF killer, hurts a lot of other recycled products. So if it's glass that doesn't have that refillable ability, shouldn't we just trash it in the first place?

MS. ENCK: No. You should have more recycled content in glass bottles, which a strong EPR bill would require.

ASSEMBLYMAN WALCZYK: Yeah, I think we're saying two different things.

If it's a glass bottle like -- let's take tomato sauce, for example. That you're not going to put tomato sauce back in that thing. Are we better off putting that through our recycling process, putting it through a MRF, cleaning it in our sink, putting it in the bin, to have it crushed into cullet that doesn't have a market and then it gets dumped into landfill after
traveling there by truck anyway? Wouldn't it just be better for somebody to throw that bottle in the trash?

MS. ENCK: No.

ASSEMBLYMAN WALCZYK: No. Okay, all right.

Next question, what are we going to do with all of the Freon for the ductless mini-splits? How are we going to recycle those in the future?

MS. GERMAIN: I don't know what the ductless mini-splits are.

ASSEMBLYMAN WALCZYK: We had a pretty robust discussion about ductless mini-splits, air heat pump technology. One of those things, on average, contains about 12 pounds of Freon, which is pretty significant. We handle our refrigerators, you know, we try not to let these ozone-depleters into the atmosphere a lot. New York is really leaning forward into it, and I heard a lot of testimony today about this technology.

It's going to put a lot of global warming potential gases in possibly
vulnerable situations. I'm just wondering, you know, ten years down the road, what's the recycling plan for all of that Freon look like?

And that's my last question. Thanks.

MS. GERMAIN: I'm going to say from the waste and recycling perspective we haven't really been focused on these ductless mini-splits.

But in general, when we look at Freon, they're usually recovered by the facilities that operate the refrigerants. So they're usually recovered. Air conditioners and refrigerators and freezers that come to landfills usually have the Freon recovered.

So if it's something along those lines, they're -- you know, if that's required, then it would have to be segregated for Freon recovery to occur.

CHAIRWOMAN KRUEGER: Thank you. I'm going to leave it at that for tonight.

CHAIRWOMAN WEINSTEIN: Senator Krueger, I just wanted to say one thing. I'm going to break my rule about asking a
question.

I just wanted to say, as probably one of maybe two members who was an original sponsor of the Bottle Bill some 40 years ago, I do think that it is time that -- it is long past time for an update, and I appreciate the work that so many people in this panel, particularly Judith, who we've known and worked with for a long time, have done in this area.

And with that, Senator Krueger, I turn it back to you.

CHAIRWOMAN KRUEGER: Thank you. Thank you for reminding us all of that, Helene. And amusingly, I joined the Senate 20 years ago, and one of my first bills that I introduced was a move to 10 cents from 5 cents and expand the types of bottles covered. So many of us have been exploring these roads for indeed a very long time. Obviously I was not successful then, Judith, and you know that.

I'm going to move us to the next panel. We still have two panels left, and we
have hit our 13th hour. So this is for the
ture men and women amongst you.

Thank you all very much for being on
the panel we're excusing.

And I'm now announcing Clean and
Healthy New York, Roberta Wilding;
Empire State Forest Products Association,
John Bartow; Environmental Advocates
New York, Kate Kurera; Earthjustice,
Elizabeth Moran; and The Nature Conservancy
in New York, Jessica Ottney Mahar.

Good evening, everyone. We're just
going to go down that list. So Roberta
first, please.

MS. WILDING: Good evening,
Chair Krueger and Chair Weinstein and
committee members. Bless you for still being
here in Hour 13.

My name is Bobbi Wilding. I'm the
executive director of Clean and Healthy
New York. Our mission is to build a just and
healthy society where toxic chemicals are
simply unthinkable. I think the conversation
we were just having might benefit from some
additional context.

Unlike climate change, which is widely regarded as a global problem, we rarely discuss the fact that chemical pollution is also pushing the bounds of what our planet can sustain. A study just published in January from the Stockholm Resilience Center found that there's been a fifty-fold increase in the production of chemicals, including plastic, since 1950, and this is projected to triple again by 2050.

The pace that societies are producing and releasing chemicals into the environment, and new chemicals into the environment, is not consistent with staying within safe operating space for humanity. And don't forget, the vast majority of these chemicals are from the petrochemical industry.

Toxics harm our health, they contribute to many chronic diseases, and they fall disproportionately on communities of color.

So I just want to focus on several key things in the budget that we strongly support
for moving to a just, nontoxic and
regenerative economy.

First is we strongly support the
growth of the Environmental Protection Fund
to $400 million. Within that, we urge you to
increase, in your one-house budgets, funding
for the Pollution Prevention Institute to
help us get those solutions, to an overall
$7.5 million, with $500,000 going to the
Interstate Chemicals Clearinghouse, which
will allow us to collaborate with other
states to collect information on toxics and
products.

Increase funding for the Children's
Environmental Health Centers to $4 million
from the Governor's 2 million. These centers
provide support to pediatric practices to
identify, treat and prevent diseases with
environmental origins.

And support the recycling line
increase from $15 million to 16 million.
This also supports the new Center for
Sustainable Materials Management, which can
help with a lot of things we were just
discussing. And we also support the addition of $5 million to the Environmental Justice line.

We strongly urge even more of an increase in DEC staffing. We support the 100 additional FTE but note that at the peak of its staff there were 4,000 staff at DEC. And before the cuts during the Great Recession, there were 3500 staff. Adding only 100 back to get to 3100 is not adequate.

Finally, we strongly support an effective extended producer responsibility packaging law and believe that it's critical to include those toxic chemicals and expanding the Toxics in Packaging law.

And I want to just say things framed as chemical recycling don't get us to the long-term solution we need. We need reusable, repairable, remanufacturable, nontoxic things that we can keep cycling through with confidence.

Thank you.

(Pause.)

MR. BARTOW: Okay, are you ready for
me to start?

CHAIRWOMAN KRUEGER: I was on mute, I
apologize. I said Empire State Forest
Products next.

MR. BARTOW: Okay. Thank you very
much, Senator Krueger and Assemblywoman
Weinstein, for allowing us to speak tonight.
I'm John Bartow, executive director of the
Empire State Forest Products Association.

We submitted a detail set of testimony
on a number of matters in the TED bill as
well as other pieces of the budget, and I
just want to highlight four quick things here
right now.

The first is the Freshwater Wetlands
Act amendments that are included in the
Governor's proposed Article VII bills. ESFPA
is concerned because language changes have
eliminated a 50-year standing exemption for
certain silvicultural practices. We've
worked with Assemblyman Englebright and
Senator Harckham on similar legislation that
would retain that. And if we were able to
keep that exemption in, we would support this
We do have concerns on the extended producer responsibility and the inclusion of paper and paper packaging, because a lot of the legislation does not recognize the unique circumstances of paper. As highlighted earlier, paper and paper-based packaging are highly recovered and recycled at a rate of 63 percent since 2009. That's higher than any other products that would be covered in total.

The second being including paper and paper packaging could result in a cross-subsidization of materials that largely do not share these same high recycling rates.

Mandating content requirements also does not take all fiber sources into consideration. New York has both virgin and recovered fiber available. Our virgin fiber mills support over 1200 union, high-paying, family supporting wage jobs in the North Country of New York, as well as an additional 2,000 other contractors of loggers and haulers that contribute to that economy.
Next I'd like to say we are in support of the Clean Water, Clean Air, Green Jobs Bond Act as well as the increase in the EPF. We're supporting these additions and increase in funding particularly for investments that can be realized in private forests that account for over 75 percent of the forest in New York and are the single largest natural solution to climate change.

We are concerned, however, that the level of funding for private working forests or family forests is underfunded. If we expect to achieve the climate and other benefits that forests provide, we must get the level of funding to scale so that we can achieve additionality that our forests can yield.

Finally, I wanted to address the advanced building code requirements that are included in the TED Part EEE. We have concerns with the proposals in terms of energy efficiency standards for appliances that appear to be creeping into industry and manufacturing equipment but do not reflect
the unique needs of individual sectors of manufacturing.

The requirement for zero onsite greenhouse gas emissions for new construction no later than 2027 does not take into consideration the use of biogenic residuals in wood product manufacturing, where we use our chips, sawdust and whatnot.

And then finally, the promulgation of these advanced standards we think should be vetted through the climate scoping plan and subsequent regulatory rulemaking.

Thank you. Appreciate the time, and I'll answer any questions you have.

CHAIRWOMAN KRUEGER: Thank you.

Environmental Advocates New York, Kate Kurera.

MS. KURERA: Hi, everyone. Thank you, Chairwomen. Good evening, all.

On behalf of Environmental Advocates NY, it's a pleasure to provide you some brief remarks and highlights from our written testimony.

I'll start by saying that a lot of our
organizational priorities were covered in the first part of the day that focused on clean energy and climate spending. Funding implementation for the Climate Law remains one of our utmost priorities. And I can't overstate the importance of getting New York on a path quickly to generate funds to sustain our commitments to New Yorkers, in particular environmental justice and disadvantaged communities.

So in light of the lack of dedicated funding that's in the Executive Budget, it's particularly disappointing to see the continued raids -- or the continued diversion of RGGI funds to the General Fund. President Harris earlier today mentioned she felt this was -- the diversion was in alignment with the CLCPA because the funds go to a Solar Energy Tax Credit. But I'm a hundred percent sure that the Executive Budget calls for diverting those funds just to the General Fund.

So we really urge the Legislature to reject that transfer once and for all, and
have those funds be used for their intended purpose.

Getting to some of the other environmental aspects of the Executive Budget, many of which we were very happy to see, we strongly support the historic increase in the Environmental Protection Fund and the increase in the Environmental Bond Act as well as to staffing in DEC, all critically important for our environment and New Yorkers. We do encourage that the unallocated portions of the bond act be directed to support school bus electrification in disadvantaged communities, an area identified as needing more support.

We also support the Executive's proposal for including the $500 million for the Clean Water Infrastructure Act, but our data suggests that a lot more money is needed, and we would therefore support $1 billion for the Clean Water Infrastructure Funding.

We also support the Executive's proposal to appropriate $120 million to the
Low-Income Household Water Assistance Program. We know we need more than this. The amount of -- the millions of dollars in water and wastewater arrears is staggering, and we urge the Legislature to allocate an additional $280 million from pandemic recovery funds.

Lastly but very importantly -- and it's been discussed in the last panel, and I have a lot of opinions on this, but I'll be brief -- in terms of we're very encouraged to see an extended producer responsibility bill put forth by the Governor. This is a very important piece to addressing our solid waste crisis. But we will echo a lot of the comments we've heard earlier, and some concerns, that having a meaningful EPR program and to see these systemic changes to produce less waste, hold producers responsible, make recycling easily accessible for households as well as provide municipal financing, requires that we take all of these things into account and think about them collectively to achieve these goals.
Thank you so much for your time this evening.

CHAIRWOMAN KRUEGER: Thank you very much.

Next, Earthjustice, Elizabeth Moran.

MS. MORAN: Good evening. My name is Liz Moran, and I'm the New York policy advocate for Earthjustice. Thank you so much for the opportunity to testify this evening. I know you've devoted so much time to today's hearing and it's been a long day.

Earthjustice is excited to see many of the Governor's proposals and increased investments in her Executive Budget proposal, but we believe it's absolutely essential for the Legislature to strengthen and build upon several of these proposals, which we've detailed in the written testimony we submitted.

To summarize our positions, we feel a strong budget for the environment must have the following: $15 billion in climate funding. We know the climate crisis is only worsening, and we know we're going to have to
fund the policies we need to make sure we meet our CLCPA goals. This can be done by ending some of the most egregious fossil fuel subsidies and by passing policies like the Climate and Community Investment Act.

We support $1 billion for the Clean Water Infrastructure Act. We are urging that a ban on gas for new construction is passed and implemented by the end of 2023. We'd like to see increased funding for electrification of the state fleet, and that must include medium- and heavy-duty vehicles. Additionally, we are opposed to absolutely any raid to RGGI funds.

And we also have some significant concerns about the EPR program as it's been proposed and currently written. And we'd also like to see an expanded and updated bottle deposit law.

We detail far more, in terms of what we would like to see, in our written testimony. But I'd like to transition to a couple -- kind of issues you've heard a bit about today: Banning fossil fuels in new
construction and addressing the
energy-consumptive cryptocurrency mining
industry.

We urge the Legislature to include
Senate Bill 6843A/Assembly A8431 in the
budget. This legislation would ban gas in
new construction starting in 2024. 2027, as
the Governor has proposed, is far too slow,
and public health is already being harmed by
fossil fuel combustion in buildings.

Additionally, we already are doing
this in New York. In our written testimony
we have listed some of the many projects
already underway or that have been
constructed that are already all-electric.
So this is entirely feasible to do, it will
create jobs and protect public health.

And lastly, we urge the Legislature to
pass Assembly Bill 7389B this legislative
session, which would establish a moratorium
on proof-of-work cryptocurrency mining that
relies upon fossil fuels. This is a very
commonsense measure and would trigger an
environmental review process in the state so
we can actually evaluate the economic impacts
the industry is arguing it will have against
the environmental harms we know will come to
be if this industry expands.

So thank you all so much for the
opportunity to testify today, and we look
forward to working with you.

CHAIRWOMAN KRUEGER: Thank you very
much, Liz.

Next, Jessica Ottney, The Nature
Conservancy. And it's no longer Jessica
Ottney, it's Jessica Ottney Mahar.

MS. OTTNEY MAHAR: That's okay. Thank
you, Senator. Thanks to you and Chair
Weinstein as well as Chairman Englebright and
all of the members who have really been
leaning in through a long year. We
appreciate you.

And I wanted to start by thanking you
for your strong support of environmental
funding over so many years -- decades, in
fact. This budget is really built on
victories that have been brought by
bipartisan support for environmental funding
in our state over the years. And it's
incredible to sit here and say that we're
seeing a budget with a $400 million EPF.
This is a historic funding level. We're on a
pathway to reach the environmental
community's long-term goal, which is
500 million. And we're seeing a proposal
that really continues to build on excellent
work to broaden the purpose of that fund, to
reach more communities and more people. But
this is funding that's been supporting
projects in every county of New York State
since 1993, and it's been doing that with
your support. So thank you for that.

We're very excited about the proposal
the Governor put forward, and in my written
testimony I make several comments regarding
different categories of funding. I was
remiss in not including something that some
of you brought up earlier today, which is the
need to restore the Peconic Estuary Program
funding. Thank you, Assemblyman Englebright,
for raising that. And there are some other
pieces in my testimony that you can refer to.
I'm also very excited to be back here talking to you as we work towards finally getting our Environmental Bond Act on the ballot this November. We know it's been a generation -- literally -- since 1996, since we've had an environmental bond act in New York State. And this proposal by the Governor to add a billion dollars and rename the bond act to something that clearly communicates the purpose to voters is an important step forward in getting this policy finally approved by New Yorkers.

The Nature Conservancy did some public opinion research this fall after the last election and found two-thirds of New Yorkers support this measure, and we're really excited to be working with so many partners in furtherance of having this passed.

I did just want to note that it's important that the bond act includes a threshold at 35 percent of the funding must be spent in environmental justice communities. I know there's conversations about increasing that, maybe to even
40 percent, which we fully support. This is a really unique aspect that's never been done in a bond act before, and I think it's very timely and long overdue.

I'd also like to call your attention to the AECOM report that's linked in my study that quantifies the job-creation potential of the bond act. That's being updated now, so look for more numbers on that soon.

And I did just want to put in a mention for the Governor's proposal to update our wetlands regulations, which has been the subject of many discussions and negotiations, and thank the Governor and the Legislature for leaning in. Hopefully we can get to an agreement this year and protect more of our wetlands across New York State.

Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

And now let's see who would like to ask any questions at this hour. I see no Senators, so I will pass it to my dear friend Helene Weinstein.
CHAIRWOMAN WEINSTEIN:  So before I call on the Assemblymembers, I want to just note that I've been ignoring my watch's request that I stand.  It is 13 and a half hours; we will be back here at 9:30.  If you have a question for the panel, feel free to ask a question when I call on you.  If you want to make a statement, why don't you put it in writing and mail it to Liz and me.

So with that, I will call on Assemblyman Walczyk.

ASSEMBLYMAN WALCZYK:  Thank you, Madam Chair.

The first question is for Ms. Moran from Earthjustice.  Should we prohibit the purchase of solar panels and ductless mini-splits and windmills and all of these other types of green technologies from China?

MS. MORAN:  I'm sorry, could you clarify why you're asking this particular question?  Or at least directing it towards me?

ASSEMBLYMAN WALCZYK:  I mean, it would be with the understanding that China doesn't
follow any of the goals or standards that we
in the United States or certainly in New York
State have, so it's counterintuitive -- at
least in my humble opinion -- to purchase
these things from a player that isn't on the
same page.

I didn't know if Earthjustice had a
position on purchasing these products from
China.

MS. MORAN: Of course we think having
jobs here in New York that are union, are
very --

ASSEMBLYMAN WALCZYK: No, not about
jobs, about supporting a player that isn't on
the same page as us.

MS. MORAN: We don't have a position
on that.

ASSEMBLYMAN WALCZYK: Okay, thanks.

The next one is for Mr. John Bartow,
from the Forest Products Association, the
only guy who today is sequestering carbon by
way of his industry, which I think is great.

Mr. Bartow, how much carbon do you
think we can lock in by good forest
management and utilizing what your members do in forest products?

MR. BARTOW: So the present sequestration of carbon in forests and harvested wood products is just under 30 million metric tons. The goal is to get to 35 million metric tons. But that's in a bigger picture of trying to get upwards to 60 million metric tons of carbon sequestered or removed from the atmosphere through carbon capture and storage.

Those would be the goals of the CLCPA, and we think our forests are going to have the single largest contribution in that as they already sequester 82 percent of the carbon that's sequestered on our natural working land. So we think that's going to be key.

The other big key thing is to recognize that 75 percent of that forest is owned by private forest landowners across the State of New York.

ASSEMBLYMAN WALCZYK: Thanks very much, I appreciate it.
I'll yield back the rest of my time,

Madam Chair.

CHAIRWOMAN WEINSTEIN: Thank you.

We go to Mr. Palmesano.

ASSEMBLYMAN PALMESANO: Yes, my

question is for Mr. Bartow also.

I know there was a study in 2018 by

Harvard which talked about the land use

implications of renewable development,

talking about the amount of watts per square

meter of space. And I think for wind energy

it's 1 watt per square meter of space, for

photovoltaic solar it was 10 watts per square

meter -- as compared to Indian Point, which

was about 2,000 watts per square meter, which

basically shows that -- how large-scale

development of wind and solar is extremely

land-intensive.

And given that it is so land-intensive

with wind and solar, you know, we heard a lot

of people talking about concerns about wind

and solar farms getting put over agricultural

land. But what about, to meet our aggressive

climate goals, the necessity of probably
clear-cutting wide swaths of forested land in order to meet these aggressive targets? And since our forestlands certainly serve an important environmental purpose for things like water filtration and even CO2 absorption?

So -- and I know my colleague the EnCon chair at one of our hearings we had a couple of months ago said, you know, what good is it if we're clear-cutting forestland to put up solar farms? Are we really -- what are we really accomplishing with that?

What are you seeing and what are you hearing along that line with this issue?

MR. BARTOW: So the documentation is not really firm on the amount of forest that's actually being clear-cutted for renewable energy projects. But it's being speculated that it is the emerging -- one of the largest factors, the conversion of forest to nonforesting activities.

You're going to see -- or you do see, in the Draft Scoping Plan, also a policy of no net loss of forest, because we're going to
need all the sequestration we can get out of it.

So you've got these competing objectives that are going to be out there, and we're going to have to wrestle with this. So how do we do it? I don't think you're going to be able to completely ignore the fact that forest is going to be impacted. If you're going to be doing transmission lines, you're going to be doing distribution systems, you're going to be doing the siting of certain energy projects, there's obviously going to be impact on all types of landscapes, and forests being one of them.

It's just how do you minimize that, and then how do you potentially get a mitigation benefit out of it? If you are converting to a solar farm, where will they do forestation or reforestation to make up for the loss of that forest? Now, there's a time sensitivity nature of that; it's going to take a while for that new forest to grow.

But there are ways I think we could work on achieving both objectives, but also,
you know, really trying to look at the siting that we're doing and taking it into consideration. You heard a lot on ag earlier today. I think the elevation of the discussion of forests has to be up there as well.

ASSEMBLYMAN PALMESANO: I appreciate your time on that. I just think, you know, obviously with the important environmental benefits that our forests serve with CO2 absorption, water filtration and as my friend and colleague Mr. Englebright said, that I'm concerned about seeing, you know, swaths of -- possible swaths of forestland being taken down just to develop solar farms. Which -- what are we really gaining in the long run?

CHAIRWOMAN WEINSTEIN: Thank you.

We will go to Assemblywoman Kelles.

ASSEMBLYWOMAN KELLES: Wonderful, thank you. I have a question for Liz Moran. You brought up something that hasn't been talked a lot about yet today, but I've gotten about 200 emails about it today, so
I'd love to hear a bit more about the $15 billion you were talking about. And the reason I ask, I know this was referring to a report that actually came from the state itself that was saying we need a minimum of $10 billion to address climate change.

So if you could talk a little bit about what it is that we have in the budget, what is the context of this, how much it would cost us to not do this. I think context is really important, because 15 billion sounds like a big number.

MS. MORAN: Yeah, you're absolutely right, Assemblymember. It does sound like a lot. But 10 billion is actually quite minuscule in regards to the costs we've already faced to public health and what is estimated if we move forward.

So this same report estimated it would cost the state $80 billion if we don't invest in the climate investments we need.

ASSEMBLYWOMAN KELLES: And that's per year, right?

MS. MORAN: That's correct.
And there have already been significant health costs to inaction, and that's not accounted for in these figures. So we feel that $15 billion is a minimum of what's needed, and it would create tremendous jobs and, most importantly, benefit the communities that need these investments the most.

Just this past summer, there were people who passed away from the flooding in New York City, and these are almost always communities of color and low-income communities. And funding is very important to direct to those communities, which is why we need to see significant increased investments. The Environmental Bond Act is really important, but we need to do so much more than that.

ASSEMBLYWOMAN KELLES: I've got another question. You mentioned the cryptocurrency, which I appreciate; you know I'm obsessed about this issue. I've been studying it for many years.

But I'm curious what your research has
been, because there's the argument of proponents that it can be renewable -- you know, you can put this on renewable. But I'm concerned about the opportunity cost and other issues with that, particularly given how much it's expanding in New York. So I'd love to hear your thoughts on that, and your research.

MS. MORAN: We already have a long way to go in meeting our existing energy demand with renewable energy, and that's what needs to be the first and foremost priority of the state.

So we're concerned about the energy consumption of this industry because we're not sure that renewables can actually meet their energy demands. They're going to need to significantly reduce the amount of energy they're consuming so we can meet our existing demands, along with this industry.

ASSEMBLYWOMAN KELLES: Thank you so much. I appreciate everybody, and thank you all so much for staying so late.

And just one last question for Kate.
I know you have done some work with me on the Fashion Act. I'd love to hear where you think that fits into our sustainability plan.

MS. KURERA: Yeah, thanks, Assemblymember --

CHAIRWOMAN WEINSTEIN: Two seconds.

MS. KURERA: Can I have a brief response or are we done?

CHAIRWOMAN WEINSTEIN: Very brief, please.

MS. KURERA: Yeah. I mean, I think just what I would say to that, Assemblymember, is that there is also another -- when we're transitioning our entire economy, there's also a whole other sector of the fashion industry that really is completely unregulated and not accountable to the carbon footprint that they have on the state. And New York City in particular, being the fashion capital of the world, you know, there should be some responsibility shared in that. And I think the legislation you sponsor with Senator Biaggi, you know, does go to that matter.
CHAIRWOMAN WEINSTEIN: Thank you.

We'll go to Assemblyman Otis now.

ASSEMBLYMAN OTIS: Liz Moran, a quick question for you.

On the cryptocurrency proof-of-work authentication issue, how challenging is this going to be for our meeting our climate change goals if this kind of activity is not curtailed?

MS. MORAN: We're significantly concerned about the state's ability to meet its climate goals should this industry rapidly expand.

So it's been estimated that proof-of-work cryptocurrency mining globally consumes as much energy as entire countries such as Ireland. So we're very worried about what that will mean for New York State, especially since we have a number of goals, like meeting 70 percent of our grid by 2030 needs to be renewable. And that's going to be harder for increasing our demand on the grid.

We also have some specific goals to
reduce overall energy consumption. It's sort
do of a smaller goal that's often forgotten, but
we have a goal to reduce our energy
consumption by 185 trillion British thermal
units. And as far as I know, we've been on
track to meet it. But we have to reduce the
amount of energy consumption we have if we're
going to meet our climate goals as a whole.

ASSEMBLYMAN OTIS: Thank you.
CHAIRWOMAN WEINSTEIN: Thank you.
Assemblyman Englebright.
ASSEMBLYMAN ENGLEBRIGHT: Thank you,
Madam Chair.

I just want to say thank you to
everybody who has stayed so long to share
your thoughts. And I just want to say thank
you for what you do every day for the
environment. It's really heartening.

I have one question for Jessica Ottney
Mahar. Jessica, you've taken a lead role in
bringing to the budget the issue of an
environmental bond act. And I guess I'm just
looking for some reassurance that you might
be able to offer, and here's the question.
Do you have a plan that everybody here and more can join in to educate the public to bring safely into port the ship that you have helped launch?

MS. OTTNEY MAHAR: Thank you for that question, which I love. And the answer is yes, we do. We have a really exciting campaign that we've put together, and a growing coalition. And again, I think one of the great pieces of this is that it's something that a lot of people can support for different reasons, and a lot of voters do support of all stripes.

And so obviously we're thrilled to be working with all the advocates who have been here today. And to those who aren't yet, I'll be knocking soon on your door. But to all of you who are going to be running for office again, along with the bond act, we would be thrilled to work with all of you to help educate your voters about what this measure can be doing for communities in your districts.

So thank you for that, Assemblyman.
ASSEMBLYMAN ENGLEBRIGHT: Thank you.

Madam Chair.

CHAIRWOMAN WEINSTEIN: We have one

more Assemblymember, Assemblyman Chris

Burdick.

ASSEMBLYMAN BURDICK: Thank you,

Chair Weinstein.

And this also is a question for

The Nature Conservancy. And I join

Chair Englebright in the praise of all of the

advocates for the work that you do.

I wanted to ask a bit about the

wetlands proposal in the Executive Budget,

the Article VII, and the statement that the

legislation establishes meaningful protection

for wetlands, which are currently

underregulated due to gaps in state law.

You know, I couldn't agree more. You

know, as a supervisor formerly, I ran up

against the fact that DEC regulations in

state law preempts the locality from being

able to prohibit the application of

herbicides and pesticides in wetlands. And I

raised this this morning in conversations
with a number of the agency representatives,
in the hope that perhaps we could get some
movement on that and perhaps amend the
Executive proposal. And wanted to know your
thoughts about that and whether The Nature
Conservancy -- or, for that matter, any of
the other advocates here -- might support
that.

MS. OTTNEY MAHAR: Supporting prohibiting the use of pesticides in
wetlands?

ASSEMBLYMAN OTIS: Allowing localities, municipalities that have wetlands
in their borders to be able to prohibit the
application of herbicides and pesticides in
wetlands within their borders. Right now
they can't do that, they're preempted by
state law.

MS. OTTNEY MAHAR: Yeah. And so, you
know, I will just say that The Nature
Conservancy would want to have a more
detailed conversation with a locality that's
considering doing something like that, and
with the state about these issues.
We've seen in -- you know, efforts to reduce the use of pesticides, which is important and something that needs to happen. Also, there can be unintended consequences for things like habitat management. There are times where conservation organizations, including The Nature Conservancy, do utilize chemical controls if it is the only option.

For example, there was an outbreak of hemlock woolly adelgid recently on Dome Island in Lake George, and we needed to use a chemical to control that. And, you know, it's a matter of making sure you're using certified pesticide applicators that are trained in applying the pesticide in a way that's appropriate for an environment that involves water. But there are some cases where habitat damage can be extreme from an invasive species and a chemical control is your only option.

So I think that it's not kind of a cut-and-dried issue and there would need to be discussion about --

ASSEMBLYMAN BURDICK: I'm almost out
of time. Let's have an offline conversation about that, if we could.

MS. OTTNEY MAHAR: Sure, absolutely.

ASSEMBLYMAN BURDICK: Thank you.

Thanks.

MS. OTTNEY MAHAR: You bet.

CHAIRWOMAN WEINSTEIN: Thank you.

Senator Krueger, we are -- no further Assemblymembers. I'm sorry, Liz, you're muted.

CHAIRWOMAN KRUEGER: Thank you, I was muted.

I'm going to thank this panel for their hard work and attention with us tonight.

I'm going to call the remaining panel, let each person testify, and we'll see if there's anyone standing by the end. It's quite possible that I won't be.

(Laughter.)

CHAIRWOMAN KRUEGER: The Natural Resources Defense Council demurred for this hour.

Citizens Campaign for the Environment,
Adrienne Esposito; Land Trust Alliance, Meme Hanley; Clean Air Coalition of Western New York, Emily Terrana; Empire Center for Public Policy, James Hanley; Green Education and Legal Fund, Mark Dunlea; and New York League of Conservation Voters, Patrick McClellan.

Let's start with Citizens Campaign, if Adrienne's joined us. Oh, she has. Hi, Adrienne.

MS. ESPOSITO: Hi, Senator. I'm delighted to be testifying before midnight. And I did see you yawn just once.

So good evening, Senate and Assembly members. My name is Adrienne Esposito, executive director of Citizens Campaign for the Environment.

In the interests of brevity and perhaps your sanity, I'm going to make four points, and I'm going to be brief and swift.

The first is thank you so much for a $400 million EPF that's in the Governor's budget. We of course urge you to keep that. We do want you, however, to tweak it a little
bit, because that's what advocates do.

The first thing is the Oceans and Great Lakes line item. We are asking for an increase to 25 million. Great Lakes, as you know, that funding could go towards cleaning up the hotspots that have been identified and are a critical part of the restorations of the Great Lakes ecosystem.

Also that funding would go towards implementing the ocean action plan, a plan that it took years to craft with marine experts and DEC. And also in that particular line item there could be money for Long Island Sound.

The second line item is the South Shore Estuary Reserve, something no one has mentioned today. But that is a state-designated estuary that goes all the way from Nassau County to the west to the Shinnecock Inlet to the east. It's riddled with harmful algal blooms, brown tide, red tide, mohagany tide, and restoration challenges, including inundation from sea-level rise for wetlands and marshlands.
Much restoration is needed. A comprehensive management plan was just updated by the end of last year. The line item has remained flat at $900,000 for 15 years. We're asking for a cost-of-living raise for the South Shore Estuary Reserve. We had asked for 5 million to the Governor; that apparently didn't go well. And now we need your help to increase the number so that we can begin to implement the management plan that was just revised and updated to meet current challenges.

And the last thing to do with the EPF is of course to help out with the restoration of Peconic Estuary.

The second thing is to reiterate the call for $1 billion for wastewater. We have lots of wastewater needs, but also this is for filtration for our drinking water, which needs to remain not only clean but also safe and healthy and affordable.

The last thing I have to get in here in my 18 seconds is the extended producer responsibility. I heard questions earlier
asking about how much will this cost industry. I'd like to ask you to ask the question how much will this save ratepayers, how much will this save taxpayers?

This is about saving money, saving landfill space, saving the environment. Those things go hand-in-hand with a good extended producer responsibility bill, and this is something that needs to get done in the budget.

Somebody else asked about how will it impact the wineries. This is not a program that will be implemented next year. It will take four or five years. There will be an advisory board, there will be a needs assessment, there will be a plan established. It is not meant to be shock and awe, it is meant to be a program that is delineated, defined, inclusive and effective. We don't have a plan that's working now. We need one to manage our waste.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

MS. ESPOSITO: I know I went a little
CHAIRWOMAN KRUEGER: Thank you very much. No, fabulous, thank you. Next up -- who did I say next? Meme Hanley?

MS. HANLEY: That's me. Thank you. Good evening, everyone. On behalf of the state's land trust community, thank you for the opportunity to testify today.

We are proud of the Governor's and the Legislature's commitment to protecting open space for the many benefits it provides to the public, and today ask for your continued investment and partnership.

We applaud the Governor's plan to invest $4 billion in the bond act, to increase state agency staffing, and the proposed $400 million Environmental Protection Fund.

Tonight specifically I'm asking for your support of an EPF that includes at least $40 million for the Open Space account, $3 million for the highly successful Conservation Partnership Program, and at
least 1.5 million for the new Land Trust Conservation Easement Program.

Land trusts work in every region of our state, from Fishers Island in the east to Chautauqua county in the west, from New York City up to the Adirondacks. They're helping meet the demand for open space and providing nature's benefits. What that looks like on the ground are community gardens, rail trails, protected farms, forests and the nature preserves we all depend on.

But more than ever, land conservation is playing an important role in mitigating the worst effects of climate change -- helping to reduce flood risks, cool urban heat islands, sequester carbon, and play an essential role in cleaning our air and water.

A cornerstone of the EPF are appropriations for the Open Space account. It's imperative to rightsize this funding to reflect the growing needs and the priorities of our state. We see the Executive Budget's increased allocation to $40 million as a step in the right direction,
and we hope you will work to increase this funding in time to its historic levels.

I'd like to draw your attention to two programs within the Open Space account now. First, the Conservation Partnership Program. It has a nearly 20-year track record of issuing competitive grants to land trusts. It's a model of efficiency. Funds are typically awarded within eight months of a grant award being opened, and the appropriation is spent down every year.

The program is now oversubscribed and turning away strong proposals that would improve quality of life in our communities. So we urge you to increase funding for this program to $3 million in the upcoming budget.

Land trusts can also play a very important role in accelerating the pace of land conservation in our forests. And it's critical that we do this now in the face of climate change because forests store carbon, they filter water, they provide jobs and they provide important habitat for wildlife and recreation for people.
These lands are at risk for conversion at a time when New Yorkers need them most -- as a frontline of defense in a changing climate. So we ask that you continue to support this program for the protection of our forests and continue to fund it at least 1.5 million.

Thank you.

CHAIRWOMAN KRUEGER: Thank you.

Next, Emily Terrana, Clean Air Coalition of Western New York.

MS. TERRANA: Thank you so much for the opportunity to testify tonight. My time is Emily Terrana, and I'm the director of organizing at Clean Air. We're an environmental justice organization working with poor and working-class communities in and around Buffalo, New York, for environmental justice, public health and a just transition.

Tonight I would like to speak specifically about the proposal in the Governor's Executive Budget to extend and expand the Brownfield Cleanup Program. I had
a whole lot of things I was going to say earlier, but after listening to this budget hearing since 9:30 a.m., I have a new frame.

In his remarks earlier today, Commissioner Seggos shared about the great successes of the New York State Brownfield Program. Our members have a very important question for him and for all of you in the Senate and Assembly: Successful for whom?

Right now the New York State Brownfield Program is not very successful for poor and working-class communities and communities of color in New York State. It's not very successful for those of us living and dying next to abandoned factories, gas stations and chemical spills. It isn't very successful when community members need to fight tooth and nail to have their voices heard outside of the paltry comment periods that DEC allows.

It's not very successful when our members still can't drink their own water or plant gardens in their backyards because of a brownfield site up the block that is still in
the investigation phase seven years later,
while the owner of that site can continue to
submit new sites and to collect tax credits.

It's not successful when our brothers
and sisters and siblings in labor are not
paid a fair and competitive wage for the hard
work that they do.

It is, however, successful for large
developers and for polluters who get to walk
away from their responsibilities to clean up
their own mess.

We understand that the New York State
Brownfield Program is here to stay.
Investments that assure a fair and equitable
transition need to be baked into our state
budget -- and if done right, the Brownfield
Cleanup Program is an incredible opportunity
to do this.

I want to be clear that I am not
saying to get rid of the Brownfield Program.
But a number of vital changes must be made to
it, especially since we face ongoing climate
impacts. This includes a requirement for
developers to include a plan for community
advisory groups so people can have a real seat at the table. We've done this in Buffalo, and we fought very, very hard for it, and it's been incredibly successful.

We would also want a clause that any site would be ineligible for the program if there's a liable, responsible party to pay for the cost of cleanup, and to extend the definition of public work to the Brownfield Program, since it is indeed funded with taxpayer money.

Commissioner Seggos asked us all to remember that these big changes and money spent is about saving lives. At Clean Air we will continue to organize for health and justice in our communities and for folks all over New York State, and we hope that this budget will reflect our values and hopefully our shared commitment to keeping people alive. Thank you.

CHAIRWOMAN KRUEGER: Thank you very much.

James Hanley, Empire Center for Public Policy.
MR. HANLEY: Thank you, and good evening.

At the Empire Center we are very concerned with government transparency, and we find a very significant lack of transparency concerning the Climate Leadership and Community Protection Act and certain policies the Governor has proposed to implement it.

First, this is a $340 billion policy, by the estimate of the integration analysis. New Yorkers have a right to know what they're buying for that amount of money and how they're expected to pay for it. One thing is clear: We are not buying a reduction in global greenhouse gases, given New York's small contribution to global emissions.

It also does not buy any equivalent benefit for New York. Half of the claimed benefits, about $260 billion, are explicitly global benefits that accrue to the whole world, including China and India, who are continuing to expand their use of coal, leaving only about $170 billion of benefit
for New York, at a cost of up to
340 billion -- a $170 billion loss.

More importantly, this does not
clearly buy energy reliability. As both the
Independent System Operator and the Climate
Action Council have indicated, New York will
need 15 to 25 gigawatts of dispatchable
emissions-free electricity by 2040, which
NYISO has said are not in the pipeline at
this time.

The Governor is investing in hydrogen
with this budget, and that is good seed money
to try to attract more federal funds for
hydrogen research, so I applaud that. But
the state should not commit itself to any one
unproven technology at this time. There are
multiple potential technologies, none of
which have proven themselves either
technologically or economically viable at a
utility scale, so we should sponsor a
competition among them to see which one or
multiple ones will prove themselves
economically and technologically viable.

I will stop there, in the interests of
time, as it is late. Thank you very much.

CHAIRWOMAN KRUEGER: Thank you very much.

Mark Dunlea, Green Education and Legal Fund.

Can't hear you, Mark. There you go.

MR. DUNLEA: Thank you for staying up beyond my bedtime. In the 40 years I've been testifying at these hearings, first time I think I've gone past 11:00, though I am used to being one of the last to speak.

The IPCC has declared a Code Red for the planet; our opportunity to prevent climate change is rapidly running out. What's been done since Paris has been inadequate. Mr. Hanley pointed out that the CAC is talking about we need $300 billion. That leads to the call from many of us to raise $15 billion a year in climate funds. That could be done through the CCIA, or it could be done through tax the rich. Or if you can't do that, let's expand the Environmental Bond Act to $100 billion, not $4 billion.
In 1992, Governor Pataki set out some relatively ambitious goals to expand renewable energy. Over the last 20 years, that's amounted to an increase of 6 percent in wind and solar. Kind of disagree with NYSERDA that it shows we're on our way to accomplishing the goals of the CLCPA. That's one of the reasons why many of us support the New York Build Public Power Act, to allow public power to do that.

The groups I work with have also been calling for a number of years to use the State Capitol as a model and move to a hundred percent renewable energy to power both the State Capitol and the Empire State Plaza. We expect legislation to be introduced this year to accomplish that.

We're supportive of the Renewable Heat Now campaign to -- you know, buildings and transportation are the two biggest parts of the emissions problem, much more so than electricity. We need to end new gas hookups faster than what Governor Hochul has proposed.
I began working on the Bottle Bill in 1975. I helped pass the Bottle Bill in Massachusetts and Connecticut before returning 40 years ago to help pass it here in New York. It's time to upgrade it and expand it.

I certainly agree with some of the points that Judith Enck made about the EPR. Cryptocurrency. Thanks to Assemblywoman Kelles for her legislation, Assemblymember Otis. China has outlawed these type of proof-of-work cryptocurrencies. If China gets the idea this is really bad for the climate, I think New York can pick it up.

And I'll end with one of my favorite state legislators, Senator Krueger, and her legislation that I can't believe hasn't been passed yet, and that is to end the fossil fuel subsidies -- small number, $350 million.

And I'll just say we need to look I think more at why is the state really not going to meet the goals set out in the CLCPA to provide 35 percent of climate funds to the environmental justice disadvantaged
communities.

Thank you very much.

CHAIRWOMAN KRUEGER: Thank you, Mark.

And our last testifier, from New York

League of Conservation Voters, Patrick McCeller -- McCleller, excuse -- McClellan, excuse me. I am tired.

MR. MCCLELLAN: Thank you. Thank you for your patience, and thank you for the opportunity to testify.

I'll echo a lot of my colleagues' comments that we support a $400 million EPF. We're thrilled about that as a step towards our long-term goal of a $500 million EPF. I have more detailed comments on the EPF in my written testimony.

We're also pleased to see another $500 million for clean water infrastructure in the budget. That's going to be important for leveraging all of the new clean water funding that the federal government just allocated in the bipartisan infrastructure deal.

And of course we're also thrilled
about new staff at DEC, Parks, DPS and other agencies. And I'll just note that those agencies will continue to need new staff over the coming years as they ramp up implementation of the CLCPA.

We support the name change on the bond act to Clean Water, Clean Air and Green Jobs, because we think it's clearer to voters what this actually is. And of course we are also thrilled about the increase to $4 billion in total.

On transportation, we support the Executive Budget's mandate that all new school buses statewide be zero-emission beginning in 2027 and that all school buses in operation be zero-emission by 2035.

There are a couple of changes in Senator Kennedy and Assemblymember Fahy's bill on electric school buses that we think ought to be incorporated here. More detail is in my written testimony.

And almost more importantly, the state needs to identify sources of funding to aid the transition in disadvantaged communities,
particularly school districts that primarily
serve disadvantaged communities, because
otherwise those are going to be the last
school districts that are putting electric
school buses on the road -- when they should
be the first.

Further on transportation, we would
like to see the inclusion of legislation
allowing direct sales of electric vehicles as
well as legislation to establish a clean fuel
standard. A lot of you have heard me talk
about a clean fuel standard a whole bunch
over the last few years, and it's also
included in the Climate Action Council's
Draft Scoping Plan.

We support the extension of the
Brownfield Cleanup Program and are
particularly enthusiastic about the proposed
changes to the Brownfield Opportunity Areas
program. One issue I will note is that
there's a $50,000 fee for executed brownfield
cleanup agreements that a number of
affordable housing developers I've spoken
with are concerned about. I understand DEC
has concerns about program costs, covering
their staff time for the Brownfields
Program -- which is of course a reasonable
concern. I think there are probably better
ways to address that than a fee that could
potentially deter projects.

We are extremely supportive of the
wetlands legislation that's included in the
budget.

The extended producer responsibility
legislation is a very bright start. We're
looking forward to working with other
advocates and the Legislature to further
improve it.

We support the building and appliance
energy efficiency standards, including the
ban on new gas hookups by 2027, although that
date can be brought forward for smaller
buildings. Particularly, single-family homes
you can do earlier than that.

And on revenue, we oppose the proposed
new tax exemption for -- the petroleum
business tax credit for tugboats. That's a
step in the wrong direction, and what should
be done instead in the budget is to include Senator Krueger's bill on fossil fuel tax exemptions.

Thank you very much.

CHAIRWOMAN KRUEGER: Thank you very much.

So I'm going to use my authority, whatever that is, as chair of this hearing to tell everyone we're not taking any more questions. We all have to go home and go to sleep.

We have a fabulous panel here of people who are exceptionally easy to reach out to, to follow up with questions afterwards. So I want to thank them very much. We never imagined, when we started at 9:30 this morning, that we would still be here at 11:30 at night. And it's really because there's so many legislators who were so interested in staying at these hearings and asking the hard questions.

So I want to thank our panelists. I want to thank my fellow legislators. I want to thank my co-chair, Helene Weinstein. And
it was my idea to tell you all not to ask any
more questions, not hers.

(Laughter.)

CHAIRWOMAN KRUEGER: And I want to
announce that this hearing is over, but you
can either stay all night and be here for
9:30 tomorrow morning when we start again, or
you might want to go home, shower, try to get
in bed for a little while, and then come back
for the Human Services hearing tomorrow -- I
guess a different Zoom, but same place,
9:30 a.m.

Thank you very much, everyone, for
your participation.

MS. ESPOSITO: Thank you very much,
everyone.

MULTIPLE SPEAKERS: Thank you, Chairs.

CHAIRWOMAN WEINSTEIN: Thank you,
Senator.

(Whereupon, the budget hearing
concluded at 11:29 p.m.)