



**TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
SENATE STANDING COMMITTEES ON ENERGY AND ENVIRONMENTAL
CONSERVATION ON THE CLIMATE AND COMMUNITY INVESTMENT ACT
April 13, 2019
Albany, N.Y.**

Good afternoon. My name is Liz Moran, and I am the Environmental Policy Director for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern.

We appreciate the opportunity to testify before the Senate Standing Committee on Environmental Conservation to discuss the importance of holding climate polluters accountable through the Climate and Community Investment Act (CCIA). As one of the largest states and the nation's financial capital, New York's leadership on climate change can shape U.S. policy. Additionally, New York has a strong history of holding polluters accountable for the pollution they created, namely through the 1986 Environmental Bond Act, which, combined with the state's Superfund program, has helped put polluters on the hook for the costs of toxic waste cleanups.

New York made the very important step of enacting the Climate Leadership and Community Protection Act in June 2019, which establishes into law goals to achieve net-zero greenhouse gas emissions by 2050 and 100% carbon-free electricity by 2040. In order to achieve these goals, there will need to be an influx of funding to meet needs – which should come from the polluters that put New York, and the world, in the climate crisis, rather than everyday taxpayers.

NYPIRG urges passage of the CCIA during the 2021 legislative session. As we detail in subsequent sections of our testimony, the CCIA will:

- Invest in quality, energy efficient public housing, public schools, childcare facilities, 21st-century public transportation, locally owned renewable energy, and community-led resiliency projects;
- Create programs to lower utility costs, particularly for low-income New Yorkers;
- Provide rebates to low- and middle-income New Yorkers to ensure that they don't bear the brunt of the costs of the state's transition away from fossil fuels;
- Place a fee on greenhouse gases and dangerous, toxic co-pollutants to generate between \$10-15 billion each year and create 150,000 jobs in the transition to a just and renewable economy;
- Ensure that workers employed on projects, or in buildings, that receive state assistance from the law, receive prevailing wages and benefits;

- Create a Worker and Community Assurance Fund which would provide guaranteed economic support to displaced workers, and support to re-train and re-equip workers to prevent layoffs. This includes income support, pension support, and funds for early retirement; and,
- Put disadvantaged and environmental justice communities at the center of the policy--ensuring that those communities hit first and worst by the climate crisis are where New York invests so that no one is left behind.

The Importance of Making Polluters Pay

Polluters have profited off of releasing harmful pollutants into New York communities and should be held accountable. The Community Climate Investment Act will enact a fee on greenhouse gases and pollutants. The starting price will be \$55 per ton of greenhouse gas emitted, increasing yearly. Over the first ten years, this will raise \$15 billion dollars. This will ensure polluters fund a just transition off fossil fuels and benefit the communities that have been the most harmed.

The last four years have been the hottest in recorded history,¹ and a warming planet has dire consequences. Burning fossil fuels is a leading contributor to climate change, and the oil and gas industry has known this for decades. Yet, numerous media reports have documented that the industry chose not to alert the world to these dangers and curb fossil fuel extraction. Instead, industry used hot-wired lobbyists and campaign contributions to bamboozle the public and undermine action.²

New York's environmental funding needs are enormous. It has been estimated that the state will need to invest at least \$4 to \$5.5 billion annually to ensure the state moves off of fossil fuels and provides a just transition to displaced workers.³ Additionally, investments will need to be made to protect water quality, restore wetlands and other lands damaged by the climate crisis, and to increase community resilience to the changing climate.

While the state has lost many lives and is facing a steep fiscal cliff due to the COVID-19 pandemic, the coronavirus crisis has only highlighted the importance of holding polluters accountable and investing in environmental initiatives that protect public health. The impacts of the crisis have been made worse by

¹ National Aeronautics and Space Administration, Jan. 18, 2018, NASA, NOAA, 2017 Long Term Warming Trend Continued in 2017, <https://www.nasa.gov/press-release/long-term-warming-trend-continued-in-2017-nasa-noaa> , Accessed December 11, 2018.

² Barrett, P & Philips, M., "Can ExxonMobil Be Found Liable for Misleading the Public on Climate Change?" September 7, 2016, Bloomberg Businessweek, see: <https://www.bloomberg.com/news/articles/2016-09-07/will-exxonmobil-have-to-pay-for-misleading-the-public-on-climate-change>; Fischer, D., "'Dark Money' Funds Climate Change Denial Effort," Scientific American, December 23, 2013, see: <https://www.scientificamerican.com/article/dark-money-funds-climate-change-denial-effort/>.

³ Pollin, R., Garrett-Peltier, H., & Wicks-Lim, J., "Clean Energy Investments for New York State: An Economic Framework for Promoting Climate Stabilization and Expanding Good Job Opportunities," Department of Economics and Political Economy Research Institute (PERI) University of Massachusetts-Amherst, November 2017, Page 3, <https://www.peri.umass.edu/publication/item/1026-clean-energy-investments-for-new-york-state-an-economic-framework-for-promoting-climate-stabilization-and-expanding-good-job-opportunities>

environmental pollution. As one example, a study from Harvard found significantly higher death rates among COVID-19 patients who had been exposed to high levels of air pollution.⁴

Not coincidentally, the communities that have been hit hardest by COVID-19 are low-income, and Black and brown communities. These are the same communities disproportionately impacted by environmental pollution, and the ones that are facing the brunt of the impacts of the climate crisis and racial discrimination as it shows up in many other ways.

It is critical for the state to step up where the federal government has dropped off the map— holding polluters financially responsible for the damage they've caused. The costs of remedying the climate crisis cannot fall upon the shoulders of everyday New Yorkers.

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There is broad support amongst the public for the "polluter pays" principle. Recent national polling, conducted by the Center for Climate Integrity, found that 70 percent of Americans support the concept of holding climate polluters financially responsible for efforts to fight climate change, with that number jumping to 82 percent after respondents were informed of the decades of deception perpetuated by the fossil fuel industry.

Additionally, a poll recently conducted in New York State by the organization Data for Progress found that voters in New York backed a tax on corporate polluters, 69% to 23%. The poll also found voters backed fees for pollution, 65% to 21%, and 63% of voters backed funding for low-income communities and communities of color to improve sustainability efforts in the years ahead.⁵

Climate Change Disproportionately Harms Communities of Low-Income and Color

The CCIA will invest in communities by allocating one third of money raised to community-based organizations. These programs include investing in adaption infrastructure, community owned solar and making houses, apartments and schools energy efficient. Funds will also be allocated to displaced fossil fuel workers. These measures are critical to provide to the communities that have been the most disproportionately harmed by climate pollution – low-income communities and communities of color.

Numerous studies have found that polluting industries tend to disproportionately be located in low-income and minority-majority communities, commonly known as “environmental justice communities”. In a 2016 study published in *Environmental Research Letters*, by cross-referencing EPA data with census data, it

⁴ “Air pollution linked with higher COVID-19 death rates,” Harvard T.H. Chan School of Public Health, May 5, 2020, <https://www.hsph.harvard.edu/news/hsph-in-the-news/air-pollution-linked-with-higher-covid-19-death-rates/>

⁵ Nick Reisman, “Pro-gressive think tank finds support for climate change measure,” State of Politics, April 13, 2021, <https://nystateofpolitics.com/state-of-politics/new-york/ny-state-of-politics/2021/04/13/progressive-think-tank-finds-support-for-climate-change-measure>

was found that the highest polluting facilities in the country were more likely to be located near poor and minority-majority communities.⁶

A 2012 *Yale* study that investigated exposure to 14 components of fine particulate matter found that Hispanics generally had the highest exposure and non-Hispanic blacks had higher exposure to 13 out of 14 components than whites.⁷ Some of these components have been linked to asthma, cardiovascular issues, lung disease, and cancer.

New York is no stranger to this phenomenon. Studies have found that air quality in the Bronx is adversely impacted by a large concentration of polluting industries, which has resulted in some of the highest asthma hospitalization rates for children in the Bronx than the rest of the State.⁸

Extreme heat is the leading cause of weather-related deaths, resulting in the deaths, on average, of 117 people annually between 2003 and 2012.⁹ Annually, New York City sees an average of 450 heat-related visits to the emergency room and more than 100 deaths.¹⁰ According to a study led by researchers at Columbia University, deaths linked to the warming climate may rise in New York City by as much as 20% by the 2020s.¹¹ The additional deaths are projected to occur in late spring and summer—before and after the traditional heat-wave season. Worst-case projections estimate an increase in heat-wave deaths of 90% or more by the 2080s.¹²

Hot summer days also can worsen air pollution, especially in urban areas. In New York City and other areas of the state that currently face problems with smog, inhabitants are likely to experience more poor air quality days. The growing threat posed by more frequent heat waves and lower air quality place at risk the health of the very young, the elderly, outdoor workers and those without access to air conditioning or adequate health care.¹³

According to information contained in a state environmental review, asthma prevalence in New York has been higher than the national average since 2002.¹⁴ In 2008, an estimated 1.3 million adults and 475,000

⁶ Mary B Collins, “Linking ‘toxic outliers’ to environmental justice communities,” *Environmental Research Letters* 11, no. 1 (January 26, 2016), accessed January 27, 2018, <https://iopscience.iop.org/article/10.1088/1748-9326/11/1/015004>

⁷ Michelle L. Bell, “Environmental Inequality in Exposures to Airborne Particulate Matter Components in the United States,” *Environmental Health Perspectives* 120, no. 12 (August 10, 2012), accessed January 28, 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3546368/>

⁸ Julianna Maantay, “Asthma and air pollution in the Bronx: Methodological and data considerations in using GIS for environmental justice and health research,” *Health & Place* 13 (2017), accessed January 28, 2018, https://www.monroecollege.edu/uploadedFiles/Site_Assets/PDF/Maantay_Health_and_Place.pdf

⁹ *2014 New York Hazard Mitigation Plan*, New York State Division of Homeland Security and Emergency Services (January 4, 2014) at p. 3.4-18.

¹⁰ Calma, Justine, “The Heat In New York Is Literally Killing People. Here’s What the City Has to Do Now.” *Mother Jones*, July 14, 2018, <https://www.motherjones.com/environment/2018/07/the-heat-in-new-york-is-literally-killing-people-heres-what-the-city-has-to-do-now/>

¹¹ *Heat-Related Deaths in Manhattan Projected to Rise Killing Season May Push Into Spring and Fall, Says Study*, The Earth Institute, Columbia University, May 20, 2013. Accessed at <http://earth.columbia.edu/articles/view/3091>.

¹² *Id.*

¹³ The City of New York, “A Stronger, More Resilient New York: Climate Analysis,” see: http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch_2_ClimateAnalysis_FINAL_singles.pdf.

¹⁴ Final Generic Environmental Impact Statement in Case 14-M-0101-Reforming the Energy Vision and Case 14-M-0094-Clean Energy Fund, February 6, 2015 (hereinafter the “REV FGEIS”) at pp. 3-33 to 3-34. Accessed at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={9E35CB6F-9B7D-4220-9CD4-B254C0FB4551}>.

children in the state were diagnosed with asthma, with asthma prevalence among adults increasing from 6.3% in 1999 to 8.7% in 2008.¹⁵ The analysis notes that asthma emergency department visits and hospitalization rates are higher than the national rates for all age groups.¹⁶

Ground-level ozone poses significant health problems. Ozone chemically attacks lung tissue and exposure results in acute and chronic respiratory harm, with children, persons over 65 and individuals with respiratory problems particularly at risk.¹⁷ The New York City Department of Health and Mental Hygiene estimates that ozone exposure results in 400 premature deaths in the city, more than 900 hospital admissions and almost 5,000 emergency department visits each year.¹⁸

A recent study in the *Journal of the American Heart Association* found that rising temperatures from climate change may increase the number of infants born with congenital heart defects between 2025 and 2035. The second greatest percentage increase is expected in the Northeastern U.S.¹⁹

"Although this study is preliminary, it would be prudent for women in the early weeks of pregnancy to avoid heat extremes similar to the advice given to persons with cardiovascular and pulmonary disease during heart spells," said Shao Lin, M.D., Ph.D., M.P.H., associate director of environmental health services, University at Albany, State University of New York.²⁰

Ensuring Low- and Moderate-Income Households Are Protected

As stated earlier in our testimony, low-income communities have unjustly been bearing the costs and worst impacts of the climate crisis already. Everyday New Yorkers should not be the ones made to pay for the necessary measures to fight the climate crisis and the move off of fossil fuels. Thankfully, in addition to investing billions of dollars directly into renewables, energy efficiency, and resiliency and adaptation programs in frontline communities, the CCIA includes several mechanisms to make sure low- and moderate-income New Yorkers won't bear any increased cost, and that the people impacted first and worst by climate change and pollution will benefit most from the newly generated revenues.

These mechanisms include:

- **A rebate program** – this program will allocate 30% of the funds raised through the CCIA to low- and moderate-income households, and towards a small business rebate program. Modelling from the University of Massachusetts Political Economy Research Institute shows that the lowest earning 60% of New York households will receive a rebate payment equal to or greater than the increased costs they will bear.²¹

¹⁵ *Id.* at p. 3-33.

¹⁶ *Id.*

¹⁷ *State of the Air 2013*, American Lung Association. Accessed at www.stateoftheair.org/2013/health-risks/health-risks-ozone.html.

¹⁸ *Air Pollution and the Health of New Yorkers: the Impact of Fine Particles and Ozone*, New York City Department of Health. Accessed at www.nyc.gov/html/doh/downloads/pdf/eode/eode-air-quality-impact.pdf.

¹⁹ American Heart Association, "Climate change may increase congenital heart defects," ScienceDaily, January 30, 2019, www.sciencedaily.com/releases/2019/01/190130075748.htm

²⁰ *Ibid.*

²¹ Robert Pollin, Heidi Garrett-Peltier, Jeanette Wicks-Lim, "Clean Energy Investments for New York State: An Economic Framework for Promoting Climate Stabilization and Expanding Good Job Opportunities", Political Economy Research Institute, University of Massachusetts at Amherst, November 13, 2017

- **Dedicated funding for frontline communities** – one third of all money raised through the CCIA will fund a grant program for community-based organizations in low-income communities and communities of color. The funding will be dedicated towards efforts to reduce pollution, improve air quality, job creation, and to directly reduce utility costs.
- **Directs the Public Service Commission (PSC) to keep costs down** – the CCIA directs PSC, within six months of passage of the CCIA, to identify and mitigate any increase in utility prices as a result of the CCIA, with priority given to the lowest-earning 60% of New Yorkers.

Lastly, it must be noted that any price increases are a direct choice of the polluting industries. The CCIA will not make fossil fuel corporations unprofitable. The CCIA is needed to make these industries pay back what is owed to New York communities after they chose to spend billions of dollars over the course of decades lying about their role in causing the climate crisis.

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Thank you for the opportunity to testify today. NYPIRG looks forward to working with the Legislature to hold polluters accountable and pass the CCIA in the 2020 legislative session.