



TESTIMONY OF PATRICK MCCLELLAN

STATE POLICY DIRECTOR

BEFORE THE

JOINT LEGISLATIVE PUBLIC HEARING ON THE

2018-2019 EXECUTIVE BUDGET PROPOSAL

February 7, 2017

The New York League of Conservation Voters (NYLCV) is pleased with many aspects of the Executive Budget for 2018-19. In what is shaping up to be a difficult budget year, we are encouraged by the inclusion of \$300 million for the Environmental Protection Fund; continued funding of the Clean Water Infrastructure Act of 2017 including funds to address harmful algal blooms; mandatory excess food donation and food waste recycling for large generators of food waste; reform of the 480-a forest management tax abatement; a doubling of the Farm to School program; stricter lead inspection standards; and progress towards a negotiated settlement on the expansion of the Long Island Central Pine Barrens.

Before I continue, I would like to thank the members of the Environmental Conservation and Agriculture committees in both houses for your leadership on environmental issues over the years - in particular your support for \$2.5 billion in funding for clean water projects and a new regulatory framework for emerging contaminants in last year's budget.

## **FUNDING**

NYLCV recognizes that the State faces significant fiscal challenges this year, but protecting the environment and public health is always a worthwhile investment. That is why we're pleased to see that the Executive Budget funds the Environmental Protection Fund at a record \$300 million for a third consecutive year and continues to fund projects through the Clean Water Infrastructure Act of 2017. These programs preserve open space, farmland, and vulnerable lands; clean up drinking and surface waters; mitigate climate change; enhance sustainability across sectors; and have a strong multiplier effect on New York's economy.

We are also pleased to see a proposed doubling of the Farm to School program to \$1.5 million to bring more locally grown, healthy food into schools and new funds to increase the per meal reimbursement rate to 25 cents for school lunch programs that purchase at least 30% of their food products from New

York State farmers and producers. These programs support New York farmers, increase children's access to healthy food, and can help children understand where their food comes from.

While we commend the State for taking dramatic steps forward in environmental policy over the past several years, we are concerned that there has been no growth in headcount at vital agencies including the Department of Environmental Conservation to implement these policies. The lack of new personnel ought to be addressed sooner rather than later.

## **FOOD WASTE**

Food waste accounts for 18% of New York's sanitation stream and significantly contributes to climate change by releasing methane, a greenhouse gas that is more potent than carbon, when it decomposes in landfills. The Executive Budget proposal to require generators of more than two tons of food waste per week to donate excess edible food to food banks and recycle inedible food and food scraps would help the State reach its climate goals while also providing many millions more meals per year to food insecure New Yorkers. The proposal's 2021 implementation date, \$4 million in support funds in the EPF, and hardship exemption for generators who can prove that recycling their food waste would be more expensive than what they currently pay for waste disposal combine to make this a reasonable proposal that proactively addresses the concerns raised by the healthcare and restaurant industries in response to a similar proposal in last year's Executive Budget.

## **LEAD**

In light of ongoing concerns about lead exposure and poisoning, especially in urban areas, we support the proposed stricter State oversight of lead testing. However, this should be coupled with lowering the State's definition of elevated blood lead level from 10 micrograms of lead per deciliter of blood to 5 micrograms, in accordance with the Centers for Disease Control's recommendations. A lower definition would require more pediatricians to report to the Department of Health when children have elevated blood lead levels, thereby giving the State a better idea of where further inspections and remediations might be warranted.

## **LONG ISLAND CENTRAL PINE BARRENS**

Last year both houses of the Legislature passed a bill, later vetoed by Governor Cuomo, to expand the Long Island Central Pine Barrens, including in the expansion lands on which two large-scale solar energy projects had been proposed. NYLCV supports a thoughtful expansion of the Pine Barrens where it makes sense but could not support a bill that seemed designed to end a so-called "green on green" dispute between renewable energy and forest preservation that we believe is properly adjudicated in public. We believe that a compromise allowing for both the expansion of the Pine Barrens and the development of the remaining solar project is possible in this session, and are encouraged that the Governor included a compromise proposal in the Executive Budget.

## **CONGESTION PRICING**

NYLCV has long supported congestion pricing in Manhattan's central business district in order to reduce harmful automobile emissions and raise much-needed revenue for the MTA. The recommendations of the Fix NYC Advisory Panel are an excellent starting point for negotiations. We strongly urge the Governor, the Assembly, and the Senate to include a congestion pricing framework similar to what the Fix NYC Advisory Panel recommended in this year's budget - we cannot afford to put this off for another year.

## **SINGLE-USE BAGS**

New York uses 23 billion plastic bags every year, creating litter that clogs storm drains, befouls the natural environment, harms animal and marine life, and harms human health when we ingest fish that swallowed plastic. Last year, New York City's 5-cent fee on single-use bags was preempted by an act of the Legislature before it could take effect and Governor Cuomo promised with his signature a statewide solution to the crisis of plastic bag waste. There are only two effective solutions: a fee on all single-use bags or a ban on plastic bags and fee on paper bags. We strongly urge you to include one of these options, with the proceeds of any fee to go towards an environmental purpose, in the final adopted budget.

## **FARMLAND PRESERVATION**

Finally, we urge the Governor and the Legislature to include in the final adopted budget legislation clarifying that farmland preserved under General Municipal Law Section 247 may construct buildings or structures necessary for bona fide agricultural production. Suffolk County has used GML 247 for decades to operate one of the most successful farmland preservation programs in the state. Recent litigation threatens the ability of farmers on preserved land in Suffolk to construct improvements such as barns and deer fences that may be necessary for the farm's continued viability. This is contrary to how the farmland preservation program has been operated and how farmers understand the program to operate when they sell their development rights, and NYLCV believes that a legislative clarification is both urgent and warranted.

*NYLCV is the only statewide, nonpartisan statewide environmental organization that fights for clean water, clean air, renewable energy and open space through political action. NYLCV engages over 100,000 conservation voters across the state to be effective advocates for the environment.*