



Testimony to the Joint Hearing on the Environmental Budget

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Thank you for the opportunity to provide testimony today. CCE is an 80,000 member, non-profit, non-partisan advocacy organization that works to empower communities and advocate solutions that protect public health and the natural environment throughout New York State.

CCE recognizes that New York State is facing difficult fiscal challenges with a significant budget gap. In areas that we typically call for funding increases, we recognize that maintaining funding may be the most appropriate course of action this year. We recognize these fiscal challenges however we urge the legislature not to forget that clean air, clean water, and healthy communities are necessities, not luxury items that can be abandoned during difficult budget years.

ENVIRONMENTAL PROTECTION FUND (EPF)

We are once again delighted the Governor's budget includes \$300 million for the Environmental Protection Fund. We want to thank the legislature for including a \$300 million EPF in state budget the past two years. This investment is already providing an enormous return in protecting our health, environment, and economy. **CCE strongly supports maintaining the EPF at \$300 million in SFY 2018-19.**

No matter who you are or where you live, if you are a New Yorker, the EPF enhances your quality of life. EPF projects protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize waterfronts, build community parks, support zoos and aquariums, and more. Not only does this contribute to clean water, clean air, and healthy communities, it helps drive economic development. EPF-supported industries generate approximately \$40 billion in revenue every year.

Within the EPF, CCE would like to point out some individual lines that we strongly support, and urge to be included in the final budget:

- **Ocean & Great Lakes (\$18.6 million):** In its twelfth year, the EPF Ocean and Great Lakes Program has made significant progress conducting scientific research, management planning, and restoration projects that improve our coastal resources. NY is fortunate to have over 1,500 square miles of bays and estuaries, 120 miles of ocean shoreline, and over 700 miles of Great Lakes shoreline. While NY is fortunate to be the only state with both Ocean and Great Lakes coastline, NY also has a tremendous responsibility to protect and enhance these critical coastal resources. The \$18.6 million investment in this line in

2018-19 will help further restoration efforts, including implementation the New York Ocean Action Plan and the Great Lakes Action Agenda.

There are a number of ocean initiatives this line item is needed to support. It will be critical to move forward with identification of a final set of ocean health indicators and release of an inaugural State of the Ocean Report, launch the sea turtle monitoring plan, address underwater noise pollution, and more.

In the spring of 2017, Lake Ontario experienced record high levels and severe flooding, which closed roads, damaged infrastructure and homes, eroded shorelines, and destroyed break walls—requiring tens of millions of dollars for response and recovery. Snowmelt and record levels of precipitation in the spring through the early summer contributed to the flooding—a situation that will only become more common with the reality of climate change. The Ocean and Great Lakes line funding will support further implementation of Great Lakes resiliency work to address persistent flooding through community recovery projects that promote sound water management and nature based solutions.

- **Lake Erie Watershed Protection Alliance (LEWPA) (\$250K):** The counties of Erie, Chautauqua, and Cattaraugus have formed an alliance to coordinate on projects to protect water quality in New York’s Lake Erie watershed. Funding for LEWPA will allow the group to develop an EPA 9-element watershed management plan that will make the region eligible for additional funding sources, leverage existing resources to complete on-the-ground projects to improve water quality, and allow planning and feasibility studies required by state and federal funders for water quality improvement projects in order to access larger pots of money in the future (such as CFA or GLRI). The adverse ecological events at the western portion of Lake Erie including excessive nutrients and harmful algal blooms that threaten drinking water quality indicate it is critical that we take action to protect New York’s Lake Erie watershed.

CCE has recommendations to allocate resources within the EPF to fund two relatively small, but extremely important projects:

1. **Suffolk County Department of Health PFC Testing:** We respectfully urge the legislature to provide \$500,000 in the 2018-19 budget for Suffolk County to become a resource for testing of perfluorinated compounds (PFCs) in groundwater. This *onetime cost* includes the necessary testing equipment and a chemist testing from water supplies, private wells and monitoring wells across Long Island. Currently, all municipal samples for PFCs—an emerging drinking water class of contaminants—are sent to the New York State Wadsworth Laboratory. Groundwater contamination of these chemicals has been found in private wells on Long Island, leading to the designation of a potentially 3 Superfund sites in Suffolk and the health emergency of providing safe water to impacted homes. There is currently a backlog of water samples at Wadsworth Lab, leading to delays in testing. This backlog of testing puts public health at risk, as residents will continue to drink water that is contaminated. *Providing the infrastructure and equipment to establish a satellite lab at the Suffolk County Department of Health will*

provide faster testing results, allow for testing for Nassau County's drinking water, free up Wadsworth Lab for other New York communities, and most importantly, further protect public health.

CCE recommends this cost of \$500,000 be included as a line item in the Water Quality Improvement Program (WQIP) in the EPF. CCE recommends that this cost be delineated within the existing allocation of \$20.25 million in WQIP.

- 2. Increased Funding for Land Preservation in the EPF:** Protecting open space provides immense environmental benefits including protecting water and air quality, reducing greenhouse gases and supporting biodiversity and critical habitat. Preserving open space also provides immense economic benefits to our state. A 2012 analysis by The Trust for Public Land found for every \$1 of EPF funds invested in land and water protection, \$7 in economic benefits through natural goods and services is returned to the state of New York. Land preservation creates thousands of jobs in our state from outdoor tourism and agriculture. With development pressures continuing to further threaten New York's treasured land and open spaces, New York must continue to support open space/land conservation program in the EPF. CCE urges the legislature to maintain funding for this program at the same level as 2017-18 (\$36.349 million).

FOOD RECOVERY AND RECYCLING ACT

Wasted food is a serious economic, environmental, and food security problem. The careless overproduction, distribution, and preparation of food has led to excessive waste of usable food scraps, contributed to climate change, and perpetuated the challenges of food insecurity. New York generates an estimated 4 million tons of excess food annually, which makes up 18% of the state's municipal solid waste stream. The vast majority of wasted food is disposed of in landfills, where it breaks down and releases methane, a potent greenhouse gas. Meanwhile, an estimated 2.5 million New Yorkers are facing hunger and food insecurity.

It is critical to reform our practices to ensure that instead of wasting food, we are redistributing excess food to those in need, and recycling food to create nutrient rich soil and renewable energy. The Food Recovery and Recycling Act, as proposed in the Governor's executive budget proposal, would achieve this goal. The bill works to achieve *source reduction*, to reduce the initial volume of food produced by commercial generators and residents; *recovery*, to feed wholesome food to the hungry; *repurposing*, to provide excess food to feed animals; and *recycling*, by processing any leftover food through composting or anaerobic digestion. It is important to note the bill only applies to large generators that generate more than 2 tons of food waste per week, temporary waivers can be provided to generators that demonstrate financial hardship, and state funding will also be available to generators, food banks, and municipalities to assist with implementation.

This bill would yield immense benefits to the environment, economy, and the health of New Yorkers. CCE respectfully urges the Senate and Assembly to include the Food Recovery and Recycling Act in their respective budget proposals.

MAINTAIN FUNDING FOR CLEAN WATER INFRASTRUCTURE

NY State made history last year when the Governor and the legislature enacted the Clean Water Infrastructure Act of 2017, which is investing \$2.5 billion over 5+ years in upgrading wastewater and drinking water infrastructure, protecting source water, and other provisions to protect our treasured waters across the state. We are grateful for this monumental victory for clean water, and urge the legislature to maintain its commitment to the \$2.5 billion investment in the 2018-19 budget.

State investments in water infrastructure are paying off. The Water Infrastructure Improvement Act (WIIA), which invested \$400 million from 2015-2017 (and includes another \$1 billion over five years) has supported numerous projects every year – 45 projects received funding in 2015, 102 projects in 2016, and 169 in 2017. Not only is this protecting water quality and public health, it is putting New Yorkers to work. The Governor estimates that 14,190 jobs are being created as a result of the 2017 water infrastructure grants.

While we celebrate the tremendous progress that is occurring as a result of state investments, we must not lose sight of the fact that we continue to have massive clean water infrastructure needs. The Department of Environmental Conservation (DEC) has identified over \$36 billion in necessary wastewater infrastructure investments statewide over the next 20 years, and the Department of Health (DOH) has identified over \$38 billion in drinking water infrastructure needs statewide over the next 20 years.

We cannot afford to ignore our clean water infrastructure upgrade needs - major sewage overflows are fouling Niagara Falls, newly detected PFC contamination is leading to more superfund sites on Long Island, extremely cold weather causing water main breaks throughout the state, our clean water needs remain great. It is critical for Governor and legislature to maintain their commitment to funding the \$2.5 billion Clean Water Infrastructure Act.

SEWAGE POLLUTION RIGHT TO KNOW IMPLEMENTATION

In 2012, the Legislature passed the Sewage Pollution Right to Know Act (SPR TK), a critical step to protecting public health and water-based recreation and tourism. The DEC deserves credit for implementation of the law, particularly with the inclusion of sewage overflows in the NY-Alert system. However, there are still many communities are unable to fully comply with the law because they lack the right technology. Specifically, communities with Combined Sewer Overflows (CSOs) need assistance to implement monitoring and modeling. Across the state more than 33 billion gallons of combined sewage and stormwater is discharged into New York's waterways each year. The volume of raw sewage discharged from these CSO systems make them the largest single source of sewage contamination that is covered by SPR TK.

While implementation of the law has taken time, significant progress is now being made. In December of 2016, the DEC finalized regulations for implementation of the law. The DEC also announced that it would provide \$500,000 (originally appropriated by the legislature in 2014, and re-appropriated multiple times since) grants to ten CSO communities in order to implement monitoring and modeling for CSO discharges. This is an important step, but there are still dozens of other CSO communities that need this technology to ensure that all New Yorkers have a right to know when sewage overflows may put their families at risk to exposure. **CCE urges**

the Legislature to allocate an additional \$500,000 for the DEC to assist communities with implementation in the 2018-19 budget.

PHARMACEUTICAL TAKE-BACK PROGRAMS

Flushing unused or expired pharmaceutical drugs by residents and at healthcare facilities is a prevalent, yet preventable source of pollution in New York's waters. Providing the public and healthcare facilities with increased access to safe pharmaceutical disposal options will prevent further contamination of our waters, while also helping to prevent drug abuse. CCE supports continuing and expanding the successful DEC and DOH programs for safe pharmaceutical disposal in the 2017-18 NYS Budget:

DEC Program: The 2016-17 and 2017-18 state budgets each included \$1 million through the Environmental Protection Fund for a statewide pilot take-back program, which is being used to cover the full cost of purchasing U.S. Drug Enforcement Administration (DEA)-compliant medication drop boxes, as well as the cost of pick up, transport, and destruction of all collected waste pharmaceuticals by a DEA-registered reverse distributor for a period of two years. Recently, the DEC announced that at least 80 drop boxes would be installed at pharmacies across the state in April and more will sign up.

The most convenient place for the public to dispose of unused or expired drugs is at the same pharmacy from where they were purchased. This has been exemplified on Long Island, where **King Kullen pharmacies launched a safe disposal program at 11 of their pharmacies located in their grocery stores, and collected over two tons, or 7,700 pounds of drugs in three years!** Pharmacies across the state housing drug take back boxes for residents will make safe pharmaceutical disposal accessible to millions of New York residents. This promises to be a game-changer in efforts to protect our waters from pharmaceutical pollution, while reducing the potential for prescription drug abuse. The DEC pilot is a great start, now New York will need additional resources to continue and expand the program to ensure all New Yorkers have access to safe disposal. **CCE strongly supports \$1 million in the EPF for safe pharmaceutical disposal, which was proposed by the Governor in his 2018-19 executive budget proposal.**

DOH Program

In recent years, the Legislature has allocated funding (\$350,000 in 2015-16 and \$300,000 in 2016-17) for the DOH to provide increased public access to safe pharmaceutical disposal across the state. The program has demonstrated great success, *contributing to the collection of over 60,000 pounds of expired and unused drugs*. The program reaches from Buffalo to Long Island, and provides both the general public and healthcare facilities with greater access to safe pharmaceutical disposal. This program serves as a great compliment to DEC's pharmacy pilot program, by providing additional pharmacy take-back options, as well as other complimentary options, such as receptacles at police precincts and municipal takes back events. The DOH program has:

- **Installed Drop-Boxes in 11 Grocery Stores:** King Kullen grocery store pharmacies throughout Nassau and Suffolk Counties installed drop boxes and collected over 7,700lbs of pharmaceuticals to date.
- **Installed 12 Drop Boxes (24-Hour) in 12 Communities:** Lloyd Harbor, Village of Floral Park, City of Glen Cove, Village of Lynbrook, Village of Garden City, South

Country Ambulance Company of Brookhaven (Bellport and East Patchogue), and Onondaga County (5)

- **Held 31 Safe Disposal Drop-off Events:** Suffolk County (2), Village of Hempstead (18), Town of Huntington (2), Town of Mamaroneck (3), Town of North Hempstead (6)
- **Supported a Comprehensive Pharmaceutical Collection Program in Erie County.** This program is supporting safe disposal collection events, collection receptacles in police precincts, and pickup of unwanted pharmaceutical drugs at healthcare facilities. The program has collected over 50,000 pounds of drugs to date!

This program was not funded in the proposed 2017-18 budget however, the benefits of the program are ongoing, as drop boxes at pharmacies and police precincts funded by the program continue to collect drugs. There is a significant need for state investment to increase pharmaceutical disposal options for residents and healthcare facilities. **CCE urges the legislature to restore the omitted \$350,000 in the 2018-19 NYS Budget for safe pharmaceutical disposal through the Department of Health.**

EXPANDING ZERO EMISSION VEHICLE SALES AND SERVICE

New York is a national leader when it comes to protecting the environment, advancing clean energy, and combating climate change. The state's commitment to reducing emissions has been illustrated through the adoption of the Clean Energy Standard, establishment of an 80 x 50 GHG reduction target, participation in the Regional Greenhouse Gas Initiative (RGGI), and a commitment with other Northeast states to put 1.4 million zero-emission vehicles, primarily EVs, on the road by 2025.

Despite this progress, New York State has reported that the transportation sector is the state's biggest greenhouse gas emitter, and that emissions are on the rise—increasing nearly 23% from 1990 to 2014. On average, an electric vehicle in New York emits 82% less CO2 emissions than a conventional car. Despite the need to expand the use of zero emission vehicles in New York, legislation enacted in 2014 limited the direct sales of zero emission vehicles to just five licensed downstate locations. Electric vehicles represent less than a half of a percent of the vehicles on the road in New York.

CCE urges the legislature to enact legislation in the budget that would give more New Yorkers the option to purchase and service zero emission vehicles all across the state (based on standalone legislation introduced by Assemblyman Morelle and Senator Amedore in 2017). This would allow an additional 15 licensed locations, in addition to the 5 already in existence, for a total of 20. Five upstate regions would each have at least one licensed location, ensuring better access for all New Yorkers. Upstate residents deserve access to EV vehicles just as much as downstate!

Expanding the sale of zero emission vehicles across the state will help reduce greenhouse gas emissions and fight climate change, protect air quality, create jobs in the clean energy sector, and keep up with consumer demand in every region of the state. It is estimated that this legislation would result in the creation of 400 jobs and generate approximately \$50 million in annual tax revenue for the state. CCE urges the legislature to include the expansion of zero emission vehicle sales and service in their respective budget proposals.

REDUCE DISPOSABLE BAG POLLUTION AND INCENTIVIZE REUSABLE BAGS

Single-use plastic and paper bags waste natural resources, pollute our environment, and are costly to consumers and local governments. In 2017, the Governor appointed a Plastic Bag Task Force to provide a statewide solution to the problems associated with single-use bags. The Task Force recently provided a menu of options to address this problem, which included a recommendation for a ban on plastic bags and a fee on paper. After working to pass local laws in over a dozen municipalities in New York, as well as analyzing disposable bag reduction policies from around the country, CCE has found that banning single-use plastic bags and placing fee on all other bags, including paper and thicker plastic bags, has had overwhelming success. From California to New Castle, NY, this type of ban/fee policy has resulted in large-scale decreases in plastic and paper bag use and litter, as well as significant increases in the use of reusable bags. *CCE urges the legislature to include a ban on single-use plastic bags and a fee on paper bags in the SFY 2018-19 budget.*

Thank you for your time and consideration of our remarks.