NYPIRG NEW YORK PUBLIC INTEREST RESEARCH GROUP

TESTIMONY
OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP
BEFORE THE
JOINT HEARING OF THE SENATE FINANCE AND ASSEMBLY WAYS & MEANS COMMITTEES REGARDING THE
FISCAL YEAR 2019-20 ENVIRONMENTAL AND ENERGY BUDGET PROPOSALS
January 23, 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 on the Governor's executive budget proposals for the environment and energy.

Governor Cuomo's SFY 2019-2020 Executive Budget Proposal offers several proposals that positively impact New York's environment and health:

- Increases the Clean Water Infrastructure Act by $500 million;
- Bans plastic bags;
- Expands New York's Bottle Bill;
- Establishes the Climate Action Council in statute;
- Prohibits leasing lands for off-shore drilling; and,
- Maintains the Environmental Protection Fund (EPF) at $300 million.

But for New York to be on the right track to combat federal rollbacks and ensure New Yorkers have the strongest environmental and public health protections, the final budget should:

- Include, at a minimum, the entire promised $2.5 billion for the Clean Water Infrastructure Act in the capital appropriations budget to ensure it is available in subsequent years;
- Couple a ban on plastic bags with a statewide fee on paper bags;
- Have the expanded Bottle Bill include wine and liquor; and,
- Comprehensively address climate change by including all sectors of the economy in statute.

The remainder of our testimony is organized by topic to provide detailed reactions to what is in the executive budget, as well as those which were left out.

Protect New York's Drinking Water from Source to Tap

The public has the basic right and expectation from government that the water coming from their taps is going to be safe for them to drink. Sadly, there are numerous threats to water today that New York must step up to the plate to address for this right to be assured to all New Yorkers.

Climate change is warming the planet's waters, leading to worsening and increasingly frequent algal blooms. As the climate warms, precipitation has also been increasing in the Northeast, causing strains on the state's old, outdated water infrastructure. New York's industrial past is wreaking havoc on drinking water supplies across the state - emerging contaminants have harmed communities from Long Island, to Newburgh, to Hoosick Falls, which is just one hour away from the Capitol.

The picture of these crises is not pretty. NYPIRG found that, of communities that have already had testing, approximately 2.8 million and 1.2 million New Yorkers have been exposed to drinking water that exceeds EPA's health guidance levels for 1,4-dioxane and PFOA/PFOS respectively.[1] All three of these chemicals have been associated with cancer and other illnesses.

Aging water infrastructure is threatening public health and disrupting daily life. Sewage overflows plague the state's waters annually - over 20 billion gallons are discharged by New York City,[2] 4 billion gallons into waterbodies around Buffalo,[3] and 1.2 billion gallons in the Hudson River from just the Capital Region.[4] Additionally, watermain breaks are frequent throughout the State - Syracuse alone reported 178 watermain breaks in 2018.[5]

New York must pursue all measures necessary to put an end to drinking water contamination crises. This means adopting aggressive policies that are proactive and protect drinking water from source to tap – we can't afford to continue waiting for people to get sick before action is taken.

New York's SFY2019-2020 budget presents an opportunity for addressing water contamination comprehensively. The following are a few key measures that must be led on during the budget process and legislative session to set New York on a path for protecting water for all.

---

[1] NYPIRG, https://nypirg.org/pubs/201810/final_merged.pdf, October 2018
[2] Fetters, Ashley, "How worried should New Yorkers be about sewage ending up in city waterways?," Curbed New York, March 30, 2018, https://ny.curbed.com/2018/3/30/17178662/new-york-waterways-combined-sewer-overflow-risks
[3] Telvock, Dan, "Sewage Inundating Buffalo Waterways," Investigative Post, November 21, 2017, http://www.investigativepost.org/2017/11/21/sewage-inundating-buffalo-waterways/
[4] Albany Pool CSO Long Term Control Plan, Page ES-7, June 30, 2011, http://www.dec.ny.gov/docs/water_pdf/albanypoolltcp2011.pdf
[5] Syracuse Open Data, https://data.syrgov.net/datasets/water-main-breaks/data?orderBy=fullDate&orderByAsc=false, accessed January 20, 2019

Increase funding for the Clean Water Infrastructure Act by at least $2.5 billion

The Governor included in his 2019 State of the State a commitment to an additional $2.5 billion on top of the existing $2.5 billion for the Clean Water Infrastructure Act ("the Act").[6] However,

the Capital Appropriations budget bill only includes $500 million.[7] **The final SFY 2019-2020 should include, at a minimum, an additional $2.5 billion in the Capital Appropriations bill to ensure funding is available for projects over the lifespan of the Act.**

The legislature should take into serious consideration adding more than another $2.5 billion for this program. It has been estimated that over the next twenty years, New York will need to invest approximately $80 billion to make needed updates, repairs, and replacements for wastewater and drinking water infrastructure.[8] These estimates are now over ten-years old and have likely increased since then.[9]

That figure doesn't include other water needs that are encompassed in the Clean Water Infrastructure Act, like funding to preserve land around source water, septic system replacement, and water filtration systems. For example, $185 million from New York's Water Infrastructure Improvement Act (WIIA) grant program was recently put aside to assist communities with addressing emerging contaminants, like PFOA, PFOS, and 1,4-dioxane.[10] According to the Department of Health (DOH), costs for treating these chemicals can cost as much as $1.5 billion for PFOA and PFOS, and $1.1 billion for 1,4-dioxane.

Additionally, the FY2017–2018 state budget included $20 million for the replacement of lead drinking water service lines. Replacing lead service lines is an important undertaking that will need increased funding to ensure all lead service lines are identified and replaced. The $20 million allocated in the budget covers the expected estimated cost of replacing about 8,000 lines,[11] or about half the number of lead service connections in Syracuse alone.[12]

The cost to public health if these investments are not made is enormous, which is why it is critical for New York to put funding on pace to catch up with outstanding needs.

---

[6] New York State Governor Andrew Cuomo, 2019 State of the State Address, https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2019StateoftheStateBook.pdf, p. 336

[7] New York State, Capital Projects Budget, S.1504 https://www.budget.ny.gov/pubs/archive/fy20/exec/approps/capitalprojectsbudget.pdf, p. 109

[8] Hamilton, Matthew, "New York's water infrastructure needs estimated at $80B over 20 years," Times Union, February 13, 2017, https://www.timesunion.com/local/article/New-York-s-water-infrastructure-needs-estimated-10930256.php

[9] DEC Commissioner Joseph Martens, 2-14-2015: https://www.youtube.com/watch?v=IDNm9wfFsUc

[10] EFC, Grants for Emerging Contaminants in Drinking Water, https://www.efc.ny.gov/EmergingContaminants

[11] Fears, D. and Dennis, B., "One city's solution to drinking water contamination? Get rid of every lead pipe," *Washington Post*, May 10, 2016. https://www.washingtonpost.com/national/health-science/one-citys-solution-to-drinking-water-contamination-get-rid-of-every-lead-pipe/2016/05/10/480cd842-0814-11e6-bdcb-0133da18418d_story.html?utm_term=.9baa67f857d0

[12] Mulder, J., "Syracuse's 15,000 lead pipes pose risk to drinking water," *Syracuse.com*, March 20, 2016. http://www.syracuse.com/health/index.ssf/2016/03/syracuses_15000_lead_pipes_pose_risk_to_drinking_water.html

Require private well testing

The Governor's proposed budget for SFY 2017-18 contained a proposal for private well testing. Unfortunately, that legislation did not make it into the final budget.

While public water supplies are regularly tested for contaminants, and the results are sent to each ratepayer and made publicly available, private groundwater wells are not held to the same

standards. As a result, homebuyers have no assurances of water quality, and the public does not get the full picture of local water quality issues.

The 2016 water quality hearings promised New Yorkers that this key component to protecting drinking water would finally be addressed. The public has the right to know what's in their water, and **requiring well testing before the sale of a home is a simple step New York should take this year.**

A strong model NYPIRG supports is Assemblywoman Jaffee's and Senator Hoylman's "private well testing act."[13]

Test and Regulate Emerging Contaminants

Following joint legislative hearings on water quality in September 2016, in the SFY 2017-18 budget, two critical pieces of legislation were passed to address emerging contaminants in New York. One piece of legislation created New York's Drinking Water Quality Council (DWQC), a body tasked with producing recommendations for regulating emerging contaminants.[14] The second piece creates New York's Emerging Contaminant Monitoring Act, which directs the Department of Health to create a list of unregulated emerging contaminants to be tested in drinking water statewide.[15]

Unfortunately, DOH has yet to implement the Emerging Contaminant Monitoring Act, which means there are still hundreds of communities that don't know the full extent of what is in their water. **The Department must promulgate an emerging contaminant list as soon as possible and begin immediate testing – they can easily start with the federal emerging contaminant list, UCMR 3.[16]**

Hoosick Falls, a small community of approximately 3,500 residents, discovered dangerously high levels of PFOA in their water not because of state or federally required testing, but because an individual resident took the initiative to do so. This resident, Michael Hickey, had noticed a lot of cancer cases and other illnesses in his community and thought maybe it had to do with the water and the resident company, Saint-Gobain Performance Plastics. Since then, Hoosick Falls is both a state and federal superfund site.

---

[13] N.Y Senate bill, S. 1854, 2019
[14] New York State Public Health Law § 1113
[15] New York State Public Health Law § 1112
[16] EPA, Third Unregulated Contaminant Monitoring Rule, https://www.epa.gov/dwucmr/third-unregulated-contaminant-monitoring-rule

The story is different for Newburgh. Newburgh discovered elevated levels of a chemical related to PFOA, PFOS, because of federally required emerging contaminant testing. Newburgh

benefitted from such testing simply because they have over 10,000 residents. Not long after, this testing also led numerous communities on Long Island to discover unsafe levels of PFOA, PFOS, and 1,4-dioxane.

It should never be the responsibility of a regular citizen to discover dangerous levels of a chemical in their water.

New York did the right thing by passing a law that would require statewide testing of emerging contaminants regardless of a community's size – but two years later, New Yorkers are still in the dark. Without emerging contaminant testing, the sad truth is there could very well be other Hoosick Falls situations in New York, but those residents just don't know it yet.

The longer there isn't testing, the longer people may be getting exposed to unsafe levels of contaminants. EPA's third emerging contaminant list, known as UCMR 3, included PFOA, PFOS, and 1,4-dioxane along with numerous other dangerous chemicals known to show up in water supplies – at a minimum, DOH should immediately begin testing for this list of chemicals.

Additionally, PFOA, PFOS, and 1,4-dioxane are just three of thousands of chemicals available for use on the market that are unregulated. It has been estimated that there are over 80,000 unregulated chemicals. New York needs to not only test for many of these chemicals – they must be regulated.

Here are some ways New York should address this, either legislatively or administratively:

1. **Instruct the Drinking Water Quality Council and Department of Health to review a new round of chemicals.** DWQC and DOH recently reviewed and recommended regulatory action for PFOA, PFOS, and 1,4-dioxane. Those three chemicals were explicitly listed in the statute creating DWQC to be addressed. Now it is unclear when DWQC will meet again and what they will review when they do. DWQC and DOH should be instructed to review and move forward on regulatory action for other emerging contaminants.
2. **Created deadlines for the establishment of MCLs after recommendations are produced.** DWQC produced recommendations for MCLs (legally enforceable drinking water standards, Maximum Contaminant Levels), for PFOA, PFOS, and 1,4-dioxane, at their December 2018 meeting. Now it is up to DOH to adopt those recommendations and move on a regulatory rulemaking process. Unfortunately, it is unclear when DOH will do this. During an Assembly oversight hearing in December 2017, DOH testified that MCLs and testing for PFOA, PFOS, and 1,4-dioxane would be in place by the end of 2018. New Yorkers should have the surety of knowing when drinking water standards and testing will be in place – legislation could instruct the Department of Health to begin a rulemaking no later than 30 days after DWQC produces recommendations.
3. **Ban dangerous chemicals from use in products.** There are several pieces of existing legislation that would accomplish this. Legislation should be passed this session that would ban PFAS chemicals (the family of chemicals that includes PFOA and PFOS)

from use in food packaging and fire-fighting foam and ban 1,4-dioxane from being in consumer products. Additionally, the Child Safe Products Act should finally be passed in both the Assembly and Senate. If dangerous chemicals aren't used in products, the public won't be exposed to them in their homes or drinking water.

Create a public drinking water database

The public expects to be able to easily find out basic information about the quality of their drinking water. Unfortunately, this information isn't always easily available. **The first step in ensuring that drinking water supplies are adequately protecting the public is to empower New Yorkers through access to drinking water quality information.**

NYPIRG has made available a database, *What's in My Water?*, for the public to find their water quality data.[17] The database compiles information on regulated and unregulated contaminants found in drinking water sources, searchable by zip code, from local annual water reports, EPA water reports, and information on public water systems from the Department of Environmental Conservation (DEC) and DOH.

A database like this should exits on the State level. DEC and DOH, together, could reach a greater percentage of the public and make available information that consumers may not always easily find, such as testing results for emerging contaminants.

Keep Plastic Pollution Out of Water and Communities

New York has a trash problem, which is contributing to climate change and dirtying communities and waterways. The average New Yorker produces over 4.5 pounds of trash per day, and New York's landfills accept approximately 6 million tons of waste per year statewide.[18] New York must move forward with policies that prevent the production of waste and improve recycling initiatives.

Two key measures were included in the Governor's proposed budget that NYPIRG supports, with some suggested improvements. Additionally, the legislature should consider advancing legislation that would ban single-use plastic straws, ban polystyrene, and expand extended producer-responsibility laws beyond e-waste and mercury thermostats.

Ban Plastics Bags

The Governor's proposed Article VII transportation, economic development, and environmental conservation legislation includes a proposal that would ban single-use plastic bags. However, the proposal does not include a fee for paper bags, and it also exempts bags used for take-out or delivery at food-establishments.

---

[17] NYPIRG, *What's in My Water*, https://nypirg.org/whatsinmywater/
[18] NYSDEC, "Recycling and Composting," https://www.dec.ny.gov/chemical/294.html

The final SFY 2019-2020 budget must include a plastic bag ban that encompasses as many plastic bags as possible and changes consumer behavior by including a fee on paper bags. A good model for this kind of legislation is Senator Kaminsky's "New York State bring your own bag act."[19]

New Yorkers use 23 billion plastic bags annually. A significant number of these bags make their way into the environment threatening wildlife and waterways. The New York City Department of Sanitation currently estimates that it collects an average of 1,700 tons of plastic bags per week, costing $12.5 million per year in collection and disposal expenses.[20]

The problem is not unique to New York – it's a national and global problem. The average American throws out 185 pounds of plastic every year.[21] According to a recent report, experts estimate that over eight million metric tons of plastic waste ends up in the world's oceans each year, and that amount is likely to increase dramatically over the next decade unless nations act.[22]

Cutting plastic bag use can dramatically reduce waste. After San Jose, California banned plastic bags in 2012, plastic bag litter dropped by almost 90 percent; it fell by 60 percent in creeks and rivers.[23]

A case study of success can be seen in California, which enacted a statewide law that bans single-use plastic bags and has a 10-cent fee on paper bags in 2014.

Like New York, California has a large, diverse population with large urban areas and a substantial coastline. As described by the *Los Angeles Times*, "Californians took in stride the sudden absence of some 13 billion bags that in previous years were handed out at grocery checkout counters and by other retailers of all sorts." Not only were consumers able to handle the change in their shopping experience, but there was a significant reduction in the number of plastic bags found on California beaches. Again, according to the *Los Angeles Times*, "Plastic bags (both the banned and the legal variety) accounted for 3.1% of the litter collected from the state's beaches during the 2017 Coastal Cleanup Day, down from to 7.4% in 2010."[24]

New Yorkers also deserve the benefits of a plastic bag ban. No one enjoys seeing these bags tumble down streets, caught in trees, or floating in the water. The SFY 2019-2020 budget offers the opportunity to get this done and to get it done right.

---

[19] N.Y Senate bill, S.95, 2019

[20] Governor Cuomo, News Release, "Governor Cuomo Announces Launch of Statewide Plastic Bag Task Force," March 12, 2017, https://www.governor.ny.gov/news/governor-cuomo-announces-launch-statewide-plastic-bag-task-force

[21] World Oceans Day, Hawaii, "Plastics and Pollution," 2015, http://www.worldoceansdayhawaii.org/plastics-pollution/.

[22] Schwartz, J., "Study Finds Rising Levels of Plastics in the Oceans," *The New York Times*, February 12, 2015, https://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html?_r=0.

[23] Gabrielson, P., "Do Plastic Bag Bans Really Reduce Litter?" *Mercury News*, July 16, 2013, http://www.mercurynews.com/2013/07/16/do-plastic-bag-bans-really-reduce-litter/.

[24] Los Angeles Times Editorial, "It's been a year since California banned single-use plastic bags. The world didn't end," *Los Angeles Times*, November 18, 2017, http://www.latimes.com/opinion/editorials/la-ed-plastic-bag-ban-anniversary-20171118-story.html.

Expand New York's Bottle Bill

The Governor's proposed Article VII transportation, economic development, and environmental conservation legislation includes a proposal to expand New York's bottle bill to include most non-carbonated beverages, like sports drinks, iced tea, ready-to-drink coffee, and more.

However, the proposal does not include wine or liquor. **NYPIRG strongly supports expanding the Bottle Bill to include most non-carbonated beverages and wine and liquor.**

This expansion is a key solution to New York, and the country's, current recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting plastic waste imports in January 2018.[25]This has caused significant strains on municipal recycling programs.

Enacted in 1982, the New York State Returnable Container Act, commonly known as the Bottle Bill, requires a 5-cent refundable deposit to be placed on eligible beverage containers. The program originally covered beer and soda sold in New York and was later expanded to include wine coolers. The law requires retailers who sell covered beverages to accept any empty containers back of products that they sell and refund the deposits. The law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container. In 2009, the law was expanded to include bottled water, and the handling fee was increased from 2 cents, which it had been set at since 1997, to 3.5 cents.

Over its 30-year history, New York's Bottle Bill has proven to be a highly effective means of diverting these containers from the waste stream, significantly reducing litter and increasing recycling rates. In 2017, New York's redemption rate was at 65%.[26] According to DEC, the bottle bill reduces roadside container litter by 70%, and in 2016, 5.1 billion containers were recycled.[27]

It has been ten years since the bottle bill was last expanded – it's time to finish the job and ensure most containers are included. This step will reduce consumer confusion about what can be recycled, ease municipal burdens, and keep communities cleaner.

Enact "Fair Repair" Legislation to Reduce Electronic Waste

Manufacturers of ubiquitous electronic products like cell phones, computers, tablets and digital audio systems refuse to share diagnostic information or replacement parts. As a result consumers spend more time and pay more money to repair fixable items and generate an enormous amount of electronic waste as items are discarded instead of being fixed cheaply and locally. Fair Repair legislation addresses these consumer and environmental problems by making information and parts accessible to do-it-yourselfers and small repair shops.

---

[25] Watson, Sara, "China Has Refused To Recycle The West's Plastics. What Now?," *NPR*, June 28, 2018, https://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now

[26] Container Recycling Institute, Bottle Bills in the USA: New York, http://www.bottlebill.org/legislation/usa/newyork.htm

[27] DEC, New York's Bottle Bill, http://www.dec.ny.gov/chemical/8500.html

In light of China's refusal to accept electronic waste from the U.S. (in addition to other wastes), the U.S. must look to strategies to preserve finite natural resources and eliminate the volume of waste that is sent to landfills, incinerators and recycling facilities.

Cell phones, for example, are only a small part of the overall need of repair of personal electronics. A growing trend is seen in the design of electronics across all industries that make devices difficult or nearly impossible to repair.[28] Fair Repair would allow consumers and independent repair shops access to diagnostic equipment and parts so they can extend the life of electronics and puts less strain on wallets. Importantly, repairing electronic devices will protect the environment by reducing e-waste: New Yorkers throw away over 23,600 cell phones every day.[29] Fixing electronic products instead of tossing them furthers the state's policy of reducing the flow of all electronic devices into the waste stream.

Support the Environmental Protection Fund

NYPIRG supports the Governor's continued funding of the Environmental Protection Fund (EPF) at last year's level of $300 million. We would also strongly support an increase in funding. EPF provides funding for numerous initiatives that are critical for protecting water quality, combating climate change, and keeping New York's public spaces clean. Additionally, EPF benefits every county of New York State, and supports over 350,000 jobs across a variety of sectors.[30]

Staff-up DEC to Combat the Effects of Federal Rollbacks

As the federal government rolls back environmental and public health protections, if ever there was a time to staff-up and bolster DEC, that time is now. **The SFY 2019-2020 budget must restore DEC staffing levels back to historic highs to ensure New York's environmental laws and regulations are enforced and polluters are held accountable.**

According to report from *The Washington Post*, "During the first 18 months of the Trump administration, records show, nearly 1,600 workers left the EPA, while fewer than 400 were hired. The exodus has shrunk the agency's workforce by 8 percent, to levels not seen since the Reagan administration. The trend has continued even after a major round of buyouts last year and despite the fact that the EPA's budget has remained stable."[31]

---

[28] Carlozo, Lou. "These Are the 5 Toughest Electronics to Repair." Dealnews. July 14, 2015. Accessed March 16, 2018. https://www.dealnews.com/features/These-10-Electronic-Devices-Are-Almost-Impossible-to-Repair/795102.html.

[29] Proctor, Nathan. "Recharge Repair." February 1, 2018. Accessed March 20, 2018. https://drive.google.com/file/d/1-CL43uUqsXq4O2OnvbuMSGDCnwALev8c/view.

[30] We Love New York, "The Environmental Protection Fund Works," http://www.keepprotectingny.com./

[31] Dennis, Brady, Eilperin, Juliet, and Ba Tran, Andrew, "With a shrinking EPA, Trump delivers on his promise to cut government," Washington Post, September 8, 2018, https://www.washingtonpost.com/national/health-science/with-a-shrinking-epa-trump-delivers-on-his-promise-to-cut-government/2018/09/08/6b058f9e-b143-11e8-a20b-5f4f84429666_story.html?utm_term=.3c14de1017dc

DEC has yet to reach staffing levels it last had ten years ago despite demands on the agency only having grown. In SFY 2009-10, DEC staffing was at 3,368 FTE.[32] In the SFY 2019-2020 budget, DEC staffing will have a workforce level of 3,115 FTE.[33] DEC staffing peaked is SFY 2007-2008 at 3,779 FTEs.[34]

Because of DEC's inadequate staffing, enforcement of environmental protections has suffered. In a 2014 report from Comptroller DiNapoli, it was found that from 2010-2014, DEC's enforcement of the Clean Air Act and Clean Water Act fluctuated with staffing decreases.[35]

The bottom line is that DEC can't do more with less. As Governor Cuomo looks to strengthen environmental laws and encourage ecotourism, staffing levels must correspond with growing tasks.

Make New York a National Climate Leader

Climate change is widely considered the greatest environmental threat facing the planet. The accumulation of carbon dioxide and other greenhouse gases in the atmosphere is causing climate instability, warmer temperatures, and rising sea-levels. If left unabated, this will have devastating impacts on New York's economy, infrastructure, public health, coastal areas and natural ecosystems.

According to the United Nations' Intergovernmental Panel on Climate Change (IPCC) October 2018 report, the world needs to limit global warming to 1.5 degrees Celsius, instead of the previously stated 2 degrees, if catastrophic results are to be avoided.[36] Additionally, the world must aggressively move to clean, renewable energy by 2030 in order to reach this goal. Limiting global warming to 1.5ºC will require rapid, far-reaching and unprecedented changes in all aspects of society. Accordingly, New York will need to eliminate fossil fuel dependence and promote renewable energy in all economic sectors.

The Governor's proposal to implement a Green New Deal is a significant turning point for the Governor and includes numerous positive initiatives, like enacting the Climate Action Council in law and including an environmental justice and just transition working group. Still, much needs to be done to strengthen this proposal and set New York on a path of true climate leadership. NYPIRG sees the following as essential measures that should be included in legislation (or

---

[32] 2010-11 New York State Executive Budget Agency Presentations: EnCon, https://www.budget.ny.gov/pubs/archive/fy1011archive/eBudget1011/agencyPresentations/pdf/encon.pdf

[33] NYS DOB, FY 2020 Executive Budget, Agency Appropriations, Department of Environmental Conservation, https://www.budget.ny.gov/pubs/archive/fy20/exec/agencies/appropData/EnvironmentalConservationDepartmentof.pdf

[34] Office of the New York State Comptroller, "DiNapoli Releases Report on Environmental Funding in New York State," press release, December 10, 2014 https://www.osc.state.ny.us/press/releases/dec14/121014b.htm

[35] Office of the New York State Comptroller, "Environmental Funding in New York State," December, 2014, page 16, https://www.osc.state.ny.us/reports/environmental/environmental_funding_nys_2014.pdf

[36] International Panel on Climate Change, "Global Warming of 1.5°C," October, 2018, https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf

multiple pieces of legislation) to address climate change, a couple of which we provide additional detail in the subsequent sections:

1. Establish a goal of 100% renewable energy – not just electricity – as soon as possible.
2. Local governments above a certain population size should adopt climate action plans.
3. Exclude biomass and nuclear energy.
4. Halt new fossil-fuel infrastructure.
5. Phase out the sale of new cars powered by internal-combustion engines.

Both the *Climate and Community Protection Act* and *Off Fossil-Fuels Act* contain some of these important provisions.

Accelerate the Transition to Renewable Energy in All Economic Sectors

Much of the state's funding for renewable energy does not come through the state budget. Instead hundreds of millions of dollars are raised through increase charges on and prices for consumers that are allocated through the Department of Public Service and New York State Energy Research and Development Authority (NYSERDA) to promote the development of renewable energy.

The disturbing news is that after 15 years of such efforts and funding, started in 2003 by Governor Pataki, that the state only gets about 3% of its state's electricity by wind, solar and other clean energy resources.[37] Even when electricity from longstanding hydroelectric projects are added in, less than a quarter of the state's electricity comes from renewable energy.

And electricity only accounts for about a quarter of the state's carbon footprint.[38] The State's progress in reducing greenhouse gas emissions has been similarly slow in the transportation and buildings (cooling and heating) sectors.[39]

Other states have been moving much faster than New York to develop renewable electricity. California has a similar goal to New York to obtain 50% of its electricity from renewable energy. Yet in November 2017 they announced they expect to hit the 50% target ten years early – in 2020.[40]

---

[37] Net Generation by State by Type of Producer by Energy Source (EIA-906, EIA-920, and EIA-923), https://www.eia.gov/electricity/data/state/ - lines 46674-46686

[38] New York State Department of Environmental Conservation, "Mitigating Climate Change," http://www.dec.ny.gov/energy/99223.html.

[39] French, M., "Transportation sector emissions could cloud state's energy agenda," Politico New York, December 22, 2017,https://www.politico.com/states/new-york/city-hall/story/2017/12/19/emissions-could-cloud-states-energy-agenda-155617; Institute for Energy and Environmental Research, "Making Residential Heating and Cooling Climate-Friendly in New York State," July 2017, https://ieer.org/wp/wp-content/uploads/2017/07/NY-HVAC-2017-07-19-revised-final.pdf.

[40] California Public Utilities Commission, "Renewables Portfolio Standard," Annual Report, November 2017, http://www.cpuc.ca.gov/uploadedFiles/CPUC_Website/Content/Utilities_and_Industries/Energy/Reports_and_White_Papers/Nov%202017%20-%20RPS%20Annual%20Report.pdf, p. 1

New York should establish a goal of 100% clean energy as soon as possible. Earlier this decade scientists from Stanford and Cornell showed that it was possible for NY to provide 100% of its energy – not just electricity – from renewable energy by 2030.[41]

Accelerate the Transition to All-Electric Vehicles

New York is the middle of the states in term of its success in increasing the ownership of electric cars – about 1 in 1000 vehicles. California is at the top with 6.65 vehicles per 1,000.[42] The Governor has called to increase the number of electric vehicle charging stations to 10,000 by 2021, and investing the $130 million from the Volkswagen settlement in electric vehicles to replace diesel transit and school buses.[43]

Countries around the world are racing to phase out gasoline and diesel cars. China, the world's largest car market, is working on a plan to ban the production and sale of vehicles powered only by fossil fuels.[44] Norway has set that goal for 2025, India by 2030. France and the United Kingdom both announced this summer that they would ban the sale of new gas and diesel cars after 2040 as is true with half a dozen other countries.[45] Paris has set a goal of 2030.[46]

Bloomberg New Energy Finance reports that electric vehicles will be cheaper than fossil fuel vehicles in the U.S. and Europe as soon as 2025.[47]

The Clean Air Act allows states to either follow the federal requirements or adopt California's vehicle emission regulations.[48] The Multi-State ZEV Action Plan that New York is part of committed to 3.3 million Electric Vehicles (EV) on the road by 2025 with 850,000 in New York State.[49]

---

[41] Jacobson, M., et al, "Examining the feasibility of converting New York State's all-purpose energy infrastructure to one using wind, water, and sunlight," Energy Policy 57 (2013) 585-601, see p. 591, https://web.stanford.edu/group/efmh/jacobson/Articles/I/NewYorkWWSEnPolicy.pdf.

[42] Voelcker, J., "These six states have the highest electric-car adoption rates in the country," Green Car News, December 11, 2017, http://www.greencarreports.com/news/1114242_these-six-states-have-the-highest-electric-car-adoption-rates-in-the-country.

[43] New York State Governor Andrew Cuomo, 2018 State of the State Address, https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2018-stateofthestatebook.pdf. P. 308

[44] Pham, S., "China wants to ban gas and diesel cars." September 11, 2017, http://money.cnn.com/2017/09/11/news/china-gas-electric-car-ban/index.html

[45] Welsh, T., "France to ban sale of gas cars in favor of electric to meet Paris climate goals," Sacramento Bee, July 6, 2017, http://www.sacbee.com/latest-news/article159944519.html.

[46] Love, B. "Paris plans to banish all but electric cars by 2030" October 12, 2017 https://www.reuters.com/article/us-france-paris-autos/paris-plans-to-banish-all-but-electric-cars-by-2030-idUSKBN1CH0SI

[47] Shankleman, J., "Pretty Soon Electric Cars Will Cost Less Than Gasoline," Bloomberg, May 26, 2017, https://www.bloomberg.com/news/articles/2017-05-26/electric-cars-seen-cheaper-than-gasoline-models-within-a-decade.

[48] U.S. Environmental Protection Agency, "Vehicle Emissions California Waivers and Authorizations," https://www.epa.gov/state-and-local-transportation/vehicle-emissions-california-waivers-and-authorizations.

[49] Governor Andrew Cuomo, https://www.governor.ny.gov/news/governor-cuomo-announces-multi-state-plan-increase-number-zero-emission-vehicles-us; Sierra Club, https://www.sierraclub.org/sites/www.sierraclub.org/files/uploads-wysiwig/ChargingUp_DIGITAL_ElectricVehicleReport_Oct2015_0.pdf, p. 7

New York should thus work with California to adopt an accelerated time frame for the transition to all electric vehicles. In September 2017, Mary Nichols, the head of California's Air Resources Board, suggested the state could move to set a date within the next decade for 100% new electric cars or those running on other renewable energy. Nichols said that Governor Jerry Brown has been asking her about a ban on gas- and diesel-powered cars announced recently by China.[50] California Assemblyman Phil Ting has introduced a bill that would ban the sale of new cars powered by internal-combustion engines after 2040.[51] **NYPIRG urges that the final budget agreement include a requirement that New York coordinate with California to phase-out the sale of new cars with internal-combustion engines.**

* * *

Thank you for the opportunity to testify today. NYPIRG looks forward to working with the Legislature to ensure New York's SFY 2019-2020 budget protects the environment for all New Yorkers.

[50] Kasler, D. and Sabalow, R., "No more gas or diesel cars in California? State considers ban," Sacramento Bee, September 17, 2017, www.sacbee.com/news/local/transportation/article175740811.html.
[51] The state of California, Assembly Bill 1745, https://a19.asmdc.org/sites/a19.asmdc.org/files/pdf/ab-1745-clean-cars-2040-fact-sheet.pdf.