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2020 Joint Legislative Hearing

Environmental Conservation Testimony

**Submitted on behalf of the
Police Benevolent Association of New York State**

By: George LaPoint
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Officers Director

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Introduction

Good afternoon respected members of the joint committee. My name is Gorge LaPoint, and I am a New York State Environmental Conservation Police Officer and the Director of the Police Benevolent Association of New York State (“PBA of NYS”) representing 230 Environmental Conservation Officer’s and Investigators (BECI)

My testimony today will focus on the budget priorities of the New York State Environmental Conservation Police Officers, which include Three Quarter Accidental Disability benefits and on Staffing Levels of Bureau of Environmental Crimes Investigation within the Division of Law Enforcement. The mission of the Environmental Conservation Officers (“ECO”) is to protect and enhance the environment and natural resources of the State of New York while also protecting the health and safety of its people through the enforcement of Environmental Conservation and related laws and public education. This mission is currently being accomplished by over 310 sworn members of the Division of Law Enforcement.

Our officers and investigators respond to a wide range of emergencies and special details throughout the year. DLE staff performs with dedication and professionalism, whether responding to flooding in Lodi, NY, the epidemic of illegal solid waste disposal on Long Island, or multi-million-dollar ivory seizures. DLE’s unique mission, wide-ranging expertise and specialized equipment continue to play an integral part in the U.S. Department of Homeland Security’s statewide operations, as well as DEC’s own Emergency Response Team.

Three-Quarter Disability Legislation

A top budget priority for the New York State Environmental Conservation Offices is the enactment of the Three-Quarter Accidental Disability legislation. Three-quarter disability is a benefit that is enjoyed by almost every other branch of law enforcement. Parity is desperately needed for the PBA of NYS membership. The job responsibilities are equally dangerous and present identical risk of injuries due to the wide range of incidents they respond too. These risks and dangers are completely out of our members’ control which is no different from other branches of law enforcement.

Currently, the Three-Quarter Accidental Disability legislation is not available to Environmental Conservation Officers. This must be changed. The legislature in 2019 unanimously passed this legislation only to be vetoed by Governor Cuomo. The risks that Environmental Conservation Officers, Forest Rangers, Regional Park Police and State University Police encounter on a day-to-day basis in performance of their job duties is no different than any other police officer serving the public in New York State. They should receive the same accidental disability benefits as other law enforcement members.

Granting all members of the PBA of NYS three-quarter disability benefits will also help lower the attrition rates because we will have parity with other branches of law enforcement.

Staffing Levels within the Division of Law Enforcement

Authorized Staffing Level: 342
Current Staffing Level: 310
Deficit: 32

This deficit represents one fully staffed DEC Region. Imagine the Long Island region or the New York City region without anyone enforcing the Environmental Conservation Law!

Across New York, enforcement initiatives effecting the environment – water quality, air quality, solid waste, regulated medical waste and pesticides enforcement will continue to suffer. Wildlife enforcement - illegal ivory trade, the commercial fishing and clamming industry, endangered species trafficking, and wildlife poaching will undoubtedly increase as the demand grows for such items and still law enforcement fill levels remain stagnant.

Bottle Bill Enforcement

Currently, the Returnable Beverage Container requirements of \$0.05 cents per bottle or can accounts for nearly \$100 Million dollars in New York State revenue. There is an estimated \$200 Million dollars in fraud, which goes without being collected.

- i. The Division of Law Enforcement is requesting a portion of this revenue be dedicated towards the

enforcement of the Returnable Beverage Container Law (RCBL): A dedicated funding source to continue this enforcement, i.e. providing staff, equipment and training for the enforcement of the RBCL and the newly passed Waste Bag Reduction Law, starting March 2020. On your way home, just look outside and see the cans and bags covering the environment.

- ii. Transshipping of returnable beverages from New Jersey is costing New York State and New York businesses millions (estimates in excess of \$100 million) in lost deposit money. Current bottle bill enforcement cases have a possible settlement in excess of \$1 million dollars.

Long Term Undercover Wildlife Investigations

Between 2007 and 2009, BECI Investigators led a nationally recognized undercover operation into the illegal trafficking in New York's native amphibians and reptiles. This operation ("Operation Shell Shock") uncovered a lucrative trade in New York snakes and turtles. The case involved USFW agents, Canadian game wardens in the province of Ontario, Environmental Canada law enforcement officers and multiple US states. This investigation led to changes in the ECL that halted the overharvesting of New York's native species. Information on similar wildlife poaching cases exist today, they include significant American eel poaching, illegal turtle trafficking, illegal salmon roe sales from Lake Ontario and illegal trafficking of all marine finfish, just to name a few.

Nationally, all turtle species are under increased poaching by foreign interests. USFW Inspectors in New York's JFK airport have never seen this level of illegal activity involving native turtles in the past. Additionally, because of the lack of investigators in the downstate areas, DLE is unable to initiate long-term investigations involving the Marine Commercial Fishery including illegal Stripe Bass, Black Fish, Flounder and lobster fisheries. Without investigators, these investigations will not be initiated, will be put on hold or will be significantly impacted.

I am here today, to ask for the fill level of the Division of Law Enforcement to come to full staff to fulfill its mission and the ever-

increasing missions of Public Safety that Governor Cuomo has placed upon us. Responding to snow emergencies, high water events on Lake Ontario and numerous inland water ways, response to the former Tappan Zee Bridge collapse emergency and coastal storm responses in Long Island and New York City have caused the men and women of the Division of Law Enforcement to undergo updated training and deployments further away from Environmental Enforcement.

It is time to act upon the words of our political leaders and put the ‘Environment First’. It is easy to speak about climate change, environmental degradation and declines in our fish and wildlife resources. Without proper funding, without proper staffing levels, it is nothing but talk. The Division of Law Enforcement is a highly trained, versatile and professional police agency in New York that is solely responsible for the protection and management of New York’s precious resources.

Conclusion

In closing, the New York State Environmental Conservation Officers respectfully ask that the Legislature enact the Three-Quarter Disability for the protection of the brave men and women who make up New York’s Thin Green Line.

It is time for hard choices to be made. With the impending budget deficit New York is facing, the Division of Law Enforcement is also asking the Legislature to look into the consolidation of the Department of Environmental Conservation’s TWO police forces, the Division of Law Enforcement and the Division of Forest Protection (DFP). To combine the two forces of the 342 DLE members and the 130 DFP members would fall in line with Governor Cuomo’s Sage Commission report. The People and Environment would greatly benefit with having ONE unit trained the same; enforcing the Environmental Conservation Law, responding to public safety emergencies while saving the State money, time and resources.

The Division of Law Enforcement has long held that one police division within the DEC would serve the Agency, the people of New York and the Environment more efficiently and effectively without the duplication of duties and different chains of commands that currently hinder service to the public.