



ORGANIZING *for* HEALTH *and* JUSTICE

Testimony of the Clean Air Coalition of Western New York Before the Joint Legislative Hearing on the Environmental Conservation Portion of the Executive Proposed Budget for New York

State Fiscal Year 2023

February 1, 2022

The Clean Air Coalition of Western New York is a grassroots organization that organizes with poor and working class communities and communities of color in Erie county to run and win public health, environmental justice and just transition campaigns.

While we are largely pleased with the Governor's budget proposal, we are very concerned about her administration's lack of community voice in her proposal to extend the New York State Brownfield Remediation Tax Credit program. While we support the Governor for proposing to add environmental justice, job growth and climate resilience into the goals of this program, the proposed language needs to go further. Without including real mechanisms to obtain these goals, the program will continue to miss the mark.

Governor Hochul's budget proposal does not go far enough to protect environmental justice communities and our brothers, sisters and siblings in organized labor in the proposed extension of the Brownfield Cleanup Program. Investments that assure a fair and equitable transition need to be baked into our state budget. If done right, the Brownfields Cleanup Program is an incredible opportunity to do this. Despite previous reforms of the program, sites often still sit in limbo for years, while community health is put at risk. The program currently also allows an escape for polluters to avoid clean up liability. Furthermore, though this program is funded by the public, it does not require developers to pay family sustaining wages because it is currently not considered under the definition of "public work".

In order for our communities to bear the oncoming storms of climate change, more must be done to support communities of color and poor and working class



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communities across the state who have already had to endure decades of abuse, neglect and indifference by New York State's prime polluters, big and small. If we are to weather this storm together, we have to do all that is necessary to invest in the health, wellness and wealth of our communities by cleaning up the hazardous waste left behind by industries in our backyards.

We are formally requesting that an amendment be made to the current budget proposal to include our coalition's calls for:

- A requirement for developers to include a plan to establish a community advisory group (CAG) for all Brownfield Cleanup sites. A Community Advisory Group (CAG) is made up of representatives of diverse community interests. A CAG is designed to serve as the focal point for the exchange of information among the local community, the developer and the Department of Environmental Conservation.
- A clause that any site would be ineligible for the BCP program if there is a liable Potentially Responsible Party (PRP) able to provide cost recovery. A PRP is a person, firm or unit of government that may be financially responsible for site remediation. This clause would reduce the potential for responsible parties to avoid clean up liability and cost recovery, thus reducing the burden on taxpayers.
- Extend the definition of 'public work' to the BCP Program.

Clean Air will be honored to support this budget's commitment to environmental justice and climate resiliency, but unless and until the reality of our communities is honored, we will remain opposed to the current budget proposal.

Thank you,

Emily Terrana, Director of Organizing and Leadership Development
Clean Air Coalition of Western New York