



Testimony before the Environmental Conservation Committees of the New York State Senate and Assembly Regarding the Governor's Proposed FY 2026-27 Budget

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Thank you for the opportunity to provide testimony on Governor Hochul's draft proposed budget for fiscal year 2026-27. I am Executive Director of Clean+Healthy, which for 20 years has been working to build a just and healthy world where toxic chemicals are simply unthinkable. Clean+Healthy and WE ACT for Environmental Justice co-lead the JustGreen Partnership, an 19 year old coalition of diverse organizations working for environmental health and justice for New York's people and communities.

New York has a long tradition of leadership on environmental issues, often going above and beyond federal requirements to safeguard the health and wellbeing of New York's people and environment. That leadership is now under attack, through funding cuts, rollback of federal laws, regulations, and standards on which New York relies, and efforts at both the administration and congressional levels to prevent states like New York from being able to make decisions on behalf of their own residents.

Last Thursday, US House Environment Subcommittee held a hearing on a new bill¹ to weaken the federal Toxic Substances Control Act, by making it harder for EPA to adequately review the impacts of new chemicals before they are allowed to be used in the US marketplace. The proposal would also undermine efforts to prevent drinking water contamination by prohibiting EPA from restricting firefighting foams used in the aerospace industry, if they have been certified by the Federal Aviation Administration or the Department of Defense. Such a federal restriction would have prevented action on the major source of PFAS contamination in our state's drinking water systems. It also seeks to expand restrictions on states to take action on toxic chemicals based on EPA actions. I want to thank the NYS legislators who signed on to a letter opposing these efforts, and urge all of you to pay close attention to this process.

¹ https://d1dth6e84htgma.cloudfront.net/H_R_Discussion_Draft_of_Legislation_to_Modernize_the_Toxic_Substances_Control_Act_1_3f4f956a9a.pdf

Now more than ever, New York State must ramp up its leadership on these issues. Decisions made here and in statehouses across the country have a profound role in shaping our national landscape and serve as a vital backstop to erosion of critical protections at the federal level.

In a year when “affordability” is the watchword, I want to pause and remind us all that actions to address toxic chemicals and reduce pollution - even when they increase costs to certain industries - are absolutely about affordability for everyday New Yorkers. In a year when New York faces cuts to Medicaid, health insurance premium rates are skyrocketing, consider this: an analysis of the health care costs to US residents by Dr. Leonardo Trasande, director of the NYU Center for the Investigation of Environmental Hazards found that “Chemicals in plastic responsible for nearly \$250 billion worth of US health costs in a single year”² - and that’s just looking at a small number of the chemicals and pathways affecting us. Simply put: toxic chemicals in our daily lives has been show to contribute to costly diseases like cancer, diabetes, asthma, developmental disabilities and more. If we want New York to be an affordable place to live, we must prevent these exposures.

Therefore, I urge you to use every opportunity to advance action to curb climate change, promote environmental justice, and to turn the state away from toxic chemicals from production through manufacturing, use, and end of life. New York’s leadership is more essential than ever.

Today I would like to focus my comments the State’s FY 27 budget on these four areas:

1. Maintain the Environmental Protection Fund at least at \$425M, with a goal to continue growth toward \$500M annually. Continue investment in Clean Water Infrastructure at \$500M.
2. Ensure NYS Department of Environmental Conservation has sufficient staff capacity to implement the vital laws that protect our environment and public health.
3. Maintain adequate and consistent funding for the EmPower+ and the Green Affordable Pre-Electrification (GAP) Fund
4. The urgent need for NYS leadership on harmful chemicals and materials like PFAS, bisphenols and phthalates, and microplastics.

² https://www.ehn.org/chemicals-in-plastic-health-costs?vgo_ee=EpoJcaoNDfg1dR%2B0oNSnY3ROiHM2BjARwg_h8u%2BRv3pY%3D%3AcXgw%2Bov5gEWPvN6ttk9tUVHpGZY3gEDR

1) Maintain the Environmental Protection Fund at least at \$425M, with a goal to continue growth toward \$500M annually. Continue investment in Clean Water Infrastructure at \$500M.

Given the federal shift away from concern for the environment, investments by New York State to meet our State Constitutional rights to clean air, clean water, and a healthful environment are more urgent than ever. Given the State's fiscal position and threats of further federal budget cuts reflected in the Governor's proposed FY27 budget, we strongly support maintaining at least \$425M for the Environmental Protection Fund, with the goal of building the fund, which has had an incredibly positive impact on the entire state, to \$500M. Additionally, maintaining at least \$500M for Clean Water Infrastructure is essential to environmental health, including lead service line replacement.

Time and again we see the environmental, social, and economic benefits from the work undertaken with funding from the state's Environmental Protection Fund. As currently funded, the Environmental Protection Fund (EPF) supports 350,000 jobs across New York in a broad spectrum of industries and adds \$40 billion to the state's economy every year.

You can learn more about the impact of the Environmental Protection Fund at <https://www.cleanwaterandjobs.org/epf>

Increase Funding for Children's Environmental Health to \$5M

Childhood environmental exposures are an essential priority among the primary goals of environmental protection and should remain an important component of the Environmental Protection Fund. They cost New York families nearly \$4.35 billion per year in medical costs.

New York State established the NYS Children's Environmental Health Centers in 2017 and they are known as NYSCHECK. A network of seven centers in Albany, Buffalo, Syracuse, Rochester, Westchester, New York City, and Long Island, NYSCHECK centers prevent, diagnose, and treat environmental health conditions during pregnancy, and throughout infancy, childhood, and adolescence. The centers provide clinical services to diagnose and treat illness due to environmental exposures, as well as provide consultation to other healthcare providers treating patients. NYSCHECK also helps educate and train pediatric primary care and subspecialists to incorporate environmental health screenings into routine care, and help educate the community on ways to prevent and mitigate exposure.

All seven NYSCHECK Centers provide environmental health screening, counseling and referral in a range of clinical settings (General Pediatrics, Pediatric Pulmonary, Pediatric Allergy and Immunology, School-Based Health, and Pediatric Inpatient Services). New York State is currently the only state in the U.S. systematically integrating children's environmental health into routine well child care in this way. Through these collaborative efforts across the seven Centers, NYSCHECK serves as a sustainable, scalable, and evidence-based model for expanding access to environmental health services and expertise at the state level.

Enhanced funds will sustain and augment statewide access to vital expertise and precision clinical assets that prevent, diagnose, and treat environmental triggers of disease and other health threats stemming from exposure to air, water, and soil contaminated by uncontrolled industrial emissions, decaying infrastructure, substandard housing, and adverse climate effects. As an example, past additional funding was critical to their ability to rapidly respond to community concerns about air quality during Canadian Wildfires.

The increase to \$5 million is urgently needed to expand an environmentally competent public health workforce and to further address essential service gaps identified by New York State Department of Health: bringing environmental health services to rural and low-income communities and increasing collaborations with New York State Lead Resource Programs around screening and prevention of childhood lead poisoning.

NYSCHECK makes a significant impact. These figures are from their 2023-24 Progress report:

- Over 92,000 services provided to families.
- Nearly 42,000 consultations to families.
- Nearly 10,000 health care physicians attended educational events.
- Over 350 students participated in NYSCHECK educational sessions.

You can learn more about the NYS Children's Environmental Health Centers (NYSCHECK) at nyscheck.org.

Support the NYS Pollution Prevention Institute and Interstate Chemicals Clearinghouse

The New York State Pollution Prevention Institute (NYSP2I) gives New York businesses, communities, and nonprofits the practical tools and solutions they need to realize the benefits of sustainability for our economy, environment, and our society as a whole by preventing pollution instead of mitigating its harmful effects. NYSP2I launched in

2008 on the campus of Rochester Institute of Technology (RIT) through funding by Empire State Development (ESD), and is now a collaboration of five research universities and manufacturing extension partnerships (MEPs) across New York. NYSP2I gives organizations registered with the state the information, resources, and solutions they need to have a more positive impact on our environment.

They bring critical expertise to New York companies and organizations with solutions for:

- more efficient use of energy, raw materials, and water through sustainable processes and technologies
- optimized manufacturing processes that generate more business value
- elimination of hazardous materials for safer workplaces and communities
- competitive market positioning as part of the green economy and by supporting a commitment to environmental stewardship
- adoption of Green Chemistry Principles for sustainable and safe product development.

They have been crucial technical partners to the NYS Department of Environmental Conservation in understanding where and how PFAS (per and polyfluoroalkyl substances) are used by businesses in New York State and they have worked with companies to switch to safer alternatives, creating case studies that can be used by others in the same sector. They have also been essential partners in efforts to curb food waste, and have gone beyond their initial mandate to work with companies to go beyond regulatory compliance to take on separate funding for helping small businesses comply with challenging laws.

We strongly support funding for the Pollution Prevention Institute, starting at a floor of \$4.6 million as allocated last year and proposed by the Governor this year. However, we reiterate our call from last year that the Senate and Assembly to consider increasing funding to the P2I focused specifically on PFAS in manufacturing, specifically in the industries that are just now breaking ground to construct new chip manufacturing facilities. There are many currently unavoidable uses of PFAS in technology manufacturing, and also no laws regulating PFAS as a class in waste water or air emissions, leaving no protections for communities in which these facilities operate. We have an opportunity to prevent another round of poisoned communities by working to eliminate the uses of PFAS for which safer, effective solutions exist, and NYSP2I could play a critical role in this, helping ensure the design of the facilities incorporates these solutions and would have the capacity to adapt to PFAS-free solutions as they are developed in the future.

Providing an additional \$1M, ideally with matching language that would require it be spent on PFAS alternatives, would be a wise investment for our state's health and economy. We know that the cost of cleaning up PFAS – especially because they are harmful at incredibly low concentrations (in the parts per trillion) – far outstrips the economic benefits accrued by the PFAS industry. This is why the NYS P2I was created: to help companies reap the economic, health, worker, and environmental benefits of preventing harm.

We also strongly encourage legislative action to set air emissions limits and to at the very least require testing for PFAS in waste water coming from NY's manufacturers in the 2025-26 legislative session. You can learn more about the NYS Pollution Prevention Institute at <https://www.rit.edu/affiliate/nysp2i/>

Interstate Chemicals Clearinghouse

Within the NYSP2I line in the EPF is funding for the Interstate Chemicals Clearinghouse (IC2). This little-known entity connects state, local, and tribal government agencies working to address toxic chemicals, allowing NYS to leverage work in many other states on assessing alternatives to toxic chemicals, understanding chemicals in commerce, taking action to prevent harm from PFAS, green procurement, and by hosting databases, like the one that will host NYS's mandated data on toxic chemicals in children's products, which saves all participating states money through centralized infrastructure. Just as in the previous Trump Administration, the IC2 operates as a nationalization of action to move away from toxic chemicals through the efforts of states like New York. Our state's funding of this program is essential, and we look forward to seeing it continue.

You can learn more about the IC2 at www.theic2.org.

Codify funding for the Center for Sustainable Materials Management with \$3.25M

The Center for Sustainable Materials Management, is a relatively recent center created by the Department of Environmental Conservation using funds from the Environmental Protection Fund. Housed at the State University of New York College of Environmental Science and Forestry, and in collaboration with Syracuse University, the Center for Sustainable Materials Management (CSMM) is working to bring together people and organizations to innovate the way we manage materials in New York. They are preparing a NYS Recycling System Needs Assessment, promoting waste reduction and product stewardship, advancing closed-loop, responsible purchasing (including supporting the ongoing upgrades to the state's green procurement program), expanding recycling

markets, and conducting research. They partner with Alfred University Center for Glass Innovation, Stony Brook University, and University at Buffalo.

Funding for both the NYS P2I and the CSMM positions New York State to fully engage in building the private and public infrastructure needed for a nontoxic, circular, regenerative economy. We urge the Senate and Assembly to include a specific line for the Center for Sustainable Materials Management in the Environmental Protection Fund for \$3.25 million.

You can learn more about the Center for Sustainable Materials Management at <https://www.centerforsmm.org>

2) Increase staffing levels at the NYS Department of Environmental Conservation to ensure sufficient capacity to implement the vital laws that protect our environment and public health

Despite some recent growth, the Department of Environmental Conservation remains an agency with depressed staffing numbers, having never recovered from cuts in the early 2000s and in response to the financial crisis in 2008. Additionally, the State has recognized the need for the DEC to take action on toxic chemicals beyond just addressing pollution present in the outdoor environment, and while the staffing in that program – the Division of Materials Management and specifically the Pollution Prevention Unit, they do not have adequate staff to carry out their obligations under the nation-leading policies this legislature has passed in recent years. For example, they have still not released draft regulations for the disclosure of toxic chemicals in children's products, despite a deadline for implementation of 2022.

Therefore, we have the following recommendations:

Focus infrastructure funding to ensure local municipalities and water systems that serve at-risk communities have funds to test and filter PFAS and other emerging contaminants.

- Add \$2.4 million for staffing of the Division of Materials Management; and expanding staff in the Pollution Prevention Unit (P2 Unit) to implement existing laws. The P2 Unit implements critical environmental health and justice policies like the Toxic Chemicals in Children's Products law, the Family and Fire Fighter Protection Act, and other laws requiring regulation of toxic chemicals in products sold in NYS.
- Continue \$250,000 funding for product testing in line with above mentioned existing laws.

3) Urgent need for action on PFAS in New York State

The Governor's commitment this year to address landfill leachate also exposes the uncomfortable truth: there is no landfill in the state that does not contain toxic waste. The DEC's testing of biosolids reveals an additional uncomfortable truth: sewage sludge is toxic.

And NYS DEC's recent rural soil sampling report tells us what many suspected: PFAS is everywhere. Companies have dumped so much PFAS into our environment, that nearly every single soil sample contained one or more kind of PFAS. Current test methods only cover 40 kinds of PFAS, so we do not actually have the full picture of PFAS contamination in our state. We are simply scratching the surface.

DEC appears to intend to use this as a basis for setting remediation levels. But why? It takes so little PFAS to disrupt the human body that drinking water standards are set in the parts per trillion. Addressing PFAS, "forever chemicals," differs from the state's previous challenge with the original forever chemical, lead, in that PFAS is not naturally occurring. Humans - via manufacturing corporations - created and distributed it so widely that even pristine places like the Adirondacks have PFAS falling into their lakes and streams in the rain.

The only solution for long-term protection of New Yorkers from PFAS is to turn off the tap.

We have been glad to see that the NYS Department of Conservation is taking the environmental health threat of PFAS seriously, including releasing a summary report of its efforts over the past decade, consolidating information about PFAS into one page with an easily accessible web address (dec.ny.gov/pfas), and more.

4) Support Climate MitigationL: Green Affordable Pre-Electrification (GAP) Program Fund, Empower+, Sustainable Future Program

Energy efficiency is a foundational energy affordability program. When we reduce our energy use, we reduce how much we pay. However, not everyone is able to access energy efficiency improvements for their homes because of the upfront costs. Adequately and consistently funding EmPower+ and the Green Affordable Pre-electrification program is crucial for this access. We ask the Assembly and Senate to raise the funding for Empower+ from the Governor's proposed \$50M to \$200M and \$200M for the GAP fund.

The GAP Fund addresses home hazards for those who most need it– low-income community members that experience health and safety issues due to lead and/or mold. These harmful circumstances preclude them from receiving the weatherization upgrades that will lower their energy bills– savings that could have a great impact on their household budget. This legislation adds a new public authorities law section 1872-b to establish a green affordable pre-electrification program (“GAP Program”) to be administered by NYSERDA, in consultation with the Division of Housing and Community Renewal, to fund and provide technical assistance for homes and buildings in need of a wide-range of currently unfunded retrofits that are necessary for healthy buildings and achievement of New York’s climate mandates. These unfunded retrofits prevent many households and building owners from being able to participate in energy efficiency and weatherization programs, because some residential buildings need certain types of rehabilitation work before they can do so. This pre-electrification work is usually too costly for homeowners and building owners to take on themselves.

We are disappointed to see that the Governor has not continued the state’s flagship climate investment, \$1B for the Sustainable Future Project. The state lags behind in reaching its climate goals, and financial investments like the Sustainable Future Project are essential to achieve cleaner air, healthier communities, and lower costs.

Thank you very much for the opportunity to provide this testimony.