



## New York City Environmental Justice Alliance

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On the ground – and at the table

## New York City Environmental Justice Alliance Testimony for the Joint Budget Hearing on Environmental Conservation and Energy

**January 28, 2026**

Thank you Chair Krueger, Chair Pretlow and all the members of the Senate Finance and Assembly Ways and Means Committees for the opportunity to offer testimony on the SFY 26-27 State Budget. Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit, 501(c)3 citywide membership network linking grassroots organizations from low-income communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens by the coordination of campaigns to inform City and State policies. Through our efforts, member organizations coalesce around specific common issues that threaten the ability for low-income communities of color to thrive.

### **Climate Leadership and Community Protection Act (CLCPA) Implementation**

#### *Sustainable Future Program*

We urge the Legislature to continue to fund the implementation of the climate law by building upon the \$1 billion in capital spending for the Sustainable Future Program adopted in the SFY 25-26 State Budget with an additional \$3 billion in new funding. An additional round of funding is sorely needed as a substitute for the lack of recurring Cap Trade and Invest (CTI) revenue that was intended to raise billions of dollars annually for cost saving climate investments in our communities. The Sustainable Future Program should be incorporated into the Climate Action Fund created in 2023 with the intention of serving as an on-budget funding source for implementation of the CLCPA. The Climate Action Fund prioritizes investment in disadvantaged communities and requires strong labor provisions to be applied to spending. The Sustainable Future Program should be amended to include accountability measures that will allow the public to track spending and the status of projects funded through the program.

#### *Climate Funding - 35-40% funding to Disadvantaged Communities*

More work needs to be done on how agencies are implementing this legal requirement to direct at least 35-40% of clean energy investments to disadvantaged communities. To date, only a few agencies have released guidance on how its agency would comply with the 35-40% of clean energy spending to DACs. Additionally, as per the CLCPA, state agencies, authorities, and entities must track investments as the primary metric when allocating and evaluating 35-40% of investments benefiting Disadvantaged Communities. We have noticed a distinct shift in how the State is considering this requirement by moving away from investments as clear spending and dollars to the convoluted metric of “benefits.” While benefits are important to view and evaluate,

they must not replace or be conflated with investments and should be included in addition to investments.

### *Cap, Trade and Invest*

The climate crisis is an affordability and cost of living crisis. Already New Yorkers are paying more in groceries, electricity bills, and medical bills and struggling to pay for rent and food to feed their families. Floods, heat waves, storms, and blizzards and other climate disruptions will only make the cost of living more expensive as we deal with water and food shortages, volatile fossil fuel prices, and increasing health issues. This cap-trade-and-invest program can be a tool to help New Yorkers save money and reduce our emissions as required by the Climate Act. The program, if done right, can reduce consumer costs and fund various programs to ensure that the transition to clean energy and climate readiness becomes more affordable, not less. The program will require corporate polluters to pay for a small share of the impact of their emissions and enable the State to invest in clean energy, public health, good jobs, and affordability for New Yorkers. We need the kind of dedicated, ongoing funding in the billions for climate that this program would generate. Billions for climate funding translates to new jobs, healthier communities and homes, and cleaner air across the state.

NYC-EJA along with Resources for the Future produced [research](#) on the cap-trade-and invest revenue and how to make it more affordable and found that the CTI program can financially benefit many NY households. Our modeling shows that a cap-trade-and invest (CTI) program could result in net savings for many New Yorkers, especially when direct payments to New Yorkers are targeted by region and income. Furthermore, a high allowance price paired with a targeted payment distribution strategy yields the greatest financial benefits for many New Yorkers, particularly those making less than \$200,000 per year. A higher allowance price also leads to greater GHG and co-pollutant emissions reductions, health, and climate benefits. The CTI revenue could be invested to reduce the transportation and energy cost burdens and put dollars back in New Yorkers' wallets.

We ask the Legislature to adopt a cap-trade-and-invest program with guardrails in their one-house budget resolutions. We also ask the Legislature to sign onto and support Assemblymember Kelles' and Senator Parker's cap-and-invest with guardrails bill (A3975 / S4651). We need the Legislature to step in and lead on delivering this program to New Yorkers so we are one step closer to a healthier, cleaner, safer, affordable, and climate-ready future.

### ***Air Quality***

One of the CLCPA mandates was for there to be community air monitoring in a select number of DACs to help inform state-wide air pollution mitigation efforts. In response, NYS DEC has undertaken the Community Air Monitoring Program (CAM). The process is ongoing and we are moving into the planning phase where the State, in consultation with community groups, will identify pollution mitigation efforts for areas that are experiencing higher levels of pollution. The DEC and NYSERDA cap-trade-and-invest pre-proposal outline released in December 2023 indicated that the revenue from the program would fund the mitigation efforts identified from the

CAM initiative. While we have been assured there is funding set aside, it's clear there will be a funding gap if agencies are expected to use part of the CTI revenue. This underscores the need and importance of tools like the CTI program that can provide ongoing massive revenue to reduce the pollution that is choking our communities and support DEC and other agencies to implement.

## **Transportation**

### *Clean Deliveries Act (A3575 - Mitaynes / S1180 - Gianaris)*

In recent years, online shopping has risen, and across the state, there has been an unregulated surge of last-mile and mega e-commerce warehouses. E-commerce mega-warehouses are facilities used to facilitate deliveries directly to customers. They are often located in or near urban areas and are used to sort, consolidate, and distribute packages for delivery to customers' homes or businesses. E-commerce mega-warehouses play a critical role in the e-commerce and logistics industry, as they allow for the efficient and timely delivery of goods to customers, but they also generate significant emissions from the large unaccounted for number of delivery trucks that come in and out of the facility, which adversely impact workers and can contribute to poor air quality in surrounding communities. These emissions are not only harmful but also currently unregulated. These mega-warehouses are disproportionately sited near environmental justice communities that experience the most harm from vehicle emissions coming in and out of these facilities. [A report](#) found that one in four New Yorkers lives within a half mile of an e-commerce warehouse, and statewide, while DACs cover only 8.1% of the state, they contain 50% of all warehouses. This unregulated sector is leading to additional truck trips and tailpipe emissions that threaten to prevent us from meeting our climate mandates. The state should adopt the Clean Deliveries Act ([S1180](#) / [A3575](#)) to establish an indirect source rule to reduce emissions due to the operation of new and existing e-commerce warehouses.

### *Electric Public Transit Buses*

The State Department of Transportation should work with transit agencies to establish zero-emission bus fleet transition plans. Furthermore, similar to the electric school bus mandate included in Governor Hochul's FY2023 budget, the governor should include a mandate for all transit agencies to transition their fleets to fully zero emissions by 2040 and only be permitted to purchase zero-emission buses starting January 1, 2029. The Governor should also include safeguards to protect existing workers from layoffs or reductions in wages, hours, or benefits, as a result of the transition. Lastly, to support the transition, the governor should replicate last year's effort and dedicate \$100 million available to help non-MTA transit agencies transition to zero-emissions fleets.

## **Extreme Heat**

One of the greatest climate-related threats to public health is heat, which causes the most fatalities compared to any other weather conditions, with an average of 350 New York City residents dying in relation to heat each year. Heat also disproportionately affects communities of

color and low-income communities. Black New Yorkers are more likely to die from heat stress, with death rates two times higher than White New Yorkers.

#### *Extreme Heat Action Plan*

It's clear the risk of heat to New Yorkers is high. More resources and action need to be put into preparing our communities and infrastructure for the escalating threat that heat poses to our health and safety. A lot of work was put into creating DEC and NYSERDA's Extreme Heat Action Plan, but many of the recommendations in the plan have not been funded. The plan is also not codified, which would be helpful to require monitoring and evaluation, updates to the State's extreme heat action plan, and to create accountability. We encourage the Legislature to invest in the health of New Yorkers by funding the full implementation of the EHAP and compelling DEC and NYSERDA, and other agencies, to regularly evaluate how the State is responding and preparing New Yorkers for heat and how effective their actions are in reducing the risk for our communities and infrastructure.

#### *Mortality Reporting (A755 - Paulin / S5056 - Rivera)*

In addition, we need to better understand the state-wide health impacts of heat, and call for comprehensive heat-related and heat-exacerbated mortality reporting (A755 - Paulin / S5056 - Rivera) to better account for the number of New Yorkers that are affected by heat and dying from it. This will allow us to better understand the full scope of heat's impact on public health across the entire state, and help us to develop and implement heat mitigation and adaptation policies, programs, and projects. It will allow us to identify specific geographic areas and populations in which heat is of most concern, rather than basing heat policy and planning around data and information that is not fully representative of the problem.