



January 24, 2026

Joint Legislative Public Hearing
2026-27 Executive Budget Proposal
Environmental Conservation
Legislative Office Building
181 State Street, Albany, NY 12247

Dear Honorable Senators and Assembly Members,

Thank you for your consideration of the Sierra Club Atlantic Chapter's budget testimony. We are a volunteer-led environmental organization of 37,000 members statewide, dedicated to protecting New York's air, water and remaining wild places.

Governor Hochul has made 'affordability' the center piece of this year's executive budget proposal, and while New York desperately needs to find strategic economic solutions to combat the Trump administration's cruel and costly policies, we have to be vigilant and make sure that our chosen economic reforms actually hit their targets and bring real relief to New York families that need it the most. Too often the rallying cry of 'affordability' is used like a cudgel against the regulatory structures that keep big polluters and profiteers in check. The resulting environmental costs from such deregulation end up being unaffordable and the loss of clean air, water and biodiversity irreversible. The Sierra Club urges the legislature to be judicious with this year's budget proposals to ensure New York State is embracing true affordability programs while keeping our commitments to a healthy environment and a stable climate.

SEQRA is not the root cause of NY's affordable housing crisis (Part R of the TED)

There is little debate that New York needs to build more affordable housing - especially homes and apartments that are harmoniously integrated into the fabric of our communities and natural environment. And the Sierra Club agrees we have an obligation to protect properly sited affordable housing projects from frivolous lawsuits and excessive red tape. But the governor's proposal to exempt most housing projects, daycare centers and associated mixed use commercial development from environmental review will create a new set of problems that will come with their own costs, potentially undermining any affordability the reforms seek to achieve. We are concerned that the governor's language is too broad and will be equally abused by corner cutting developers and land profiteers who do not care about the environment or creating affordable homes. Developers too often blame SEQRA for slowing down projects. But with tens of thousands of housing units approved and built every year in NY - we maintain it is not SEQRA at fault for lengthy delays to bad proposals, but the poorly conceived proposals themselves.

Now in its 50th year, SEQRA is meant to encourage thoughtful, informed, transparent decision-making in a way that lessens the environmental harm of projects and plans as they move forward. SEQRA compliance creates a process for the public, environmental and public health experts and regulatory agencies, and other stakeholders, to ensure accurate environmental impact analysis, consideration of project alternatives, and adoption of feasible mitigation measures for a project's significant impacts. Importantly, SEQRA also requires an examination of cumulative impacts and alternative actions, stimulating productive public debates around disproportionately impacted communities, climate change, water supply, growth management, loss of farmland or forestland, effects on endangered or protected animal species, and a host of other impacts.

Last year, the New York State Senate passed S.3492A, the Sustainable Affordable Housing and Sprawl Prevention Act - a piece of legislation that tackles the affordable housing crisis in a much more thoughtful way. Where the Governor's proposal could facilitate sprawling 'mcmansions' and unchecked subdivisions for the wealthy, S.3492A concentrates on affordable housing and revitalization of our urban centers. Both proposals focus on building on previously disturbed sites - but the executive proposal's vague definition of 'previously disturbed' could exempt environmental reviews for housing developments in almost any part of the state, in almost any land use context. S.3492A clearly tries to focus on expedited approvals for affordable and workforce housing that are located in vacant areas within urban centers, near public transportation, but out of flood hazard areas, severely contaminated soils, critical environmental areas, historic preservation districts, and locations that lack capacity for adequate water and sewer. If a proposal can meet these requirements it is approved without having to do further environmental review and is better insulated from frivolous challenges. If indeed there is an appetite to streamline SEQRA to accommodate new housing, we strongly urge the legislature to advance S.3492A in budget negotiations as an alternative to the governor's less comprehensive proposal. We fear the Executive Budget's proposal could actually undermine the fabric of the working class communities this 'streamlining' is meant to serve.

In 2022, Governor Hochul signed the Cumulative Impacts Law (S.8830/A.2103D) which amends SEQRA to require that state agencies evaluate whether new or renewed permits will cause disproportionate pollution burdens on disadvantaged communities (DACs) and prohibits developments to move forward if significant, inequitable impacts are identified. Will Hochul's new SEQRA reforms prevent the identification of contaminated soils before housing is constructed or protect disadvantaged neighborhoods from exploitive gentrification, unmanaged traffic or overtaxed water and sewer systems when new housing is approved? By negating the possibility of an environmental review the public is often denied a voice in how to reshape a development so that it avoids significant impacts and blends in better with existing community resources. S.3492A, at the very least, provides a meaningful checklist of potential environmental impacts that must be avoided before permitting can be expedited.

When we put an overemphasis on environmental reviews being part of the problem we can often lose sight of true solutions. Much of the housing crisis stems from an economic framework where shelter is treated as a commodity, not as a right. And we cannot build our way out of this crisis unless we adopt policies that enact stronger regulation of rental markets and property investment, increase public and social housing investment, and curb housing speculation. To ensure affordability, we can try to build an oversupply of homes - but if the market makes those homes unaffordable and inaccessible to working people through land speculation, Air BnB constructs, and uncontrolled rent costs - no amount of 'streamlining' SEQRA can meaningfully bring those housing costs down. The legislature must engage more on these root causes of unaffordable housing if we are to find lasting solutions. Merely blaming the environmental review process will only ensure that new unaffordable housing comes now with greater environmental impacts.

The Sierra Club understands the strong headwinds toward SEQRA reform, and while we argue that the governor's proposal is poorly conceived and will have a negative impact on the environment - if a proposal does move forward to reduce the regulatory burdens on development perceived to be relatively benign, then on balance, the legislature should find ways to strengthen SEQRA where it can be fully utilized to protect New York's environment from projects and actions that undeniably come with significant environmental impact.

Fixing SEQRA Standing

In adopting the State Environmental Quality Review Act (SEQRA) the NYS Legislature intended for all state and local government agencies to conduct their affairs with consideration of the natural environment. While the Department of Environmental Conservation (DEC) is charged with issuing regulations

regarding the SEQRA process, the DEC has no authority to review the implementation of SEQRA by other agencies. In other words, there is no "SEQRA Police." The responsibility of enforcing SEQRA falls squarely on citizens or groups under Article 78 of the New York State Civil Practice Law and Rules. Unfortunately, restrictive standing requirements have stifled the public's ability to uphold the integrity of SEQRA in the courts as reasonable complaints are thrown out on standing technicalities before the merits of the case can be heard. The primary barrier to environmental lawsuits (*Society of Plastics Indus. V. County of Suffolk*, 77 NY2d 761,) has unnecessarily barred many potential litigants from the courts since 1991 and should be vacated. The *Plastics* decision requires that for a plaintiff to have standing to raise an environmental issue under SEQRA, the plaintiff must suffer 1) a direct environmental injury, which is 2) different than that to the public as a whole. Traditionally, this has been established by showing that the plaintiff resides within a few hundred feet of the injury, and thus would suffer direct harm in a more forceful way than would the public as a whole. The *Plastics* decision, as interpreted by the courts, makes it nearly impossible for any plaintiff to gain standing where there is no direct injury to any human, only to wild species or to natural resources, no human has a residence near the potential injury or where the injury is so broad (like in the case of air pollution) that the uniqueness of the injury cannot be demonstrated by an individual. In fact, the perverse nature of *Plastics* holds that the more severe the environmental injury the less likely there will be a viable litigant to bring forth a suit in the public interest.

Other states do not place such restrictions on standing, and have not experienced any measurable increase in frivolous environmental lawsuits compared with New York State. We urge the legislature to include **S.3206 (Kavanagh)** in budget negotiations to restore the traditional rule that a person has standing in a SEQRA article 78 proceeding if he or she can show significant use and enjoyment of natural resources, or can demonstrate a reasonable environmental injury as the result of an action or proposal. If future "streamlining" to SEQRA targets areas of red tape for low impact development - then the legislature should restore citizen enforcement power over the kinds of projects that present real environmental harm to communities and often side step the review process.

Replenishing the "Sustainable Future Fund" with another \$1 billion

At the beginning of 2025, there was great anticipation for the unveiling of NY's 'Cap and Invest' program, but Governor Hochul put the CLCPA mandated program on ice indefinitely, citing concerns for 'affordability.' The irony, of course, was that 'Cap and Invest' was created precisely to make energy more affordable while we transition away from the increasingly erratic costs of oil and gas. The program would have established a sector-wide limit on pollution, created a credit-based financial incentive for businesses to reduce emissions, and reinvested the revenues back into disadvantaged communities, low to middle income households, small businesses, and decarbonization initiatives across New York. The regulations for the program were set to be finalized in the first half of 2025 and credit auctions were planned for the second half of fiscal year 2026, with a projected revenue of \$1.5 billion.

In its place, the Governor proposed \$1 billion of general obligation funding under the 'sustainable futures' program to be spent on decarbonization projects. While the funding was welcome, it still let polluters off the financial hook and required the public to continue to bootstrap climate progress themselves, without mandated emission reductions. In light of the fact that no 'Cap and Invest' program is forthcoming in 2026, and we lose another year of generating up to \$3 billion from big climate polluters, the Sierra Club would like to see another installment of the \$1 billion Sustainable Future Program to lower emissions, reduce energy costs, and spur green jobs through targeted investments in the clean energy sector. Key climate spending areas include:

- **\$200 million to advance Shovel Ready Thermal Energy Networks Projects at SUNY Campuses.**

TENs are the most cost-effective technology at scale to achieve net-zero on-site emissions across

our campuses, fully decarbonizing heating, cooling and hot water. These projects will be constructed with New York's already trained and ready union workforce. Funding thermal energy networks at campuses like Farmingdale State College, State University of New York at Binghamton, SUNY Potsdam, University at Buffalo and University at Albany will reduce emissions and create long term energy savings for the state. In addition, In 2022, the legislature passed the Utility Thermal Networks and Jobs Act authorizing the utilities to advance up to 35 **Utility Thermal Energy Network pilots**. Three years later, following significant delays by the Public Service Commission, there are nine utility Thermal Energy Network pilots awaiting Public Service Commission approval to move to construction. Providing funding to help lower the overall costs for the building retrofits in NYCHA facilities and for municipal buildings as part of the pilot projects could serve as a model for other public housing authorities around the state.

- **\$200 million for the EmPower+ Program.** This highly successful program provides insulation, air sealing, and energy efficient heating systems for 30,000 low and moderate income households each year. The Executive Budget includes \$50 million for the EmPower+ program but with considerable demand the program is already at capacity and ready to expand.
- **\$200 million for the Green Affordable Pre-Electrification (GAP) Fund.** This program addresses pre-efficiency and pre-electrification costs (like roof repair, mold mitigation, and electrical upgrades) that present major barriers for many households to be able to enroll in the EmPower+ and Clean Heat Programs. The GAP Fund is essential because it ensures that every New Yorker has the opportunity to participate in cost-saving energy efficiency and electrification programs.
- **\$200 million to switch NY oil and gas fueled boilers to heat pumps.** 1.5 million households in New York are heated and receive hot water from oil burning systems. These same homes could save an average of \$1,947 per year by upgrading to efficient heat pumps. The new fund would assist customers to make this transition from fuel oil and other delivered fuels like propane, kerosene, and coal to heat pumps to bring down their monthly energy costs and reduce air pollution and greenhouse gas emissions.
- **A.1373 Solar Residential Tax Credit**
This proposal will double the residential solar energy system tax credit to \$10,000 (or 25% of the total costs, whichever is lower) and will enable low to middle income households to take advantage of the tax credit through a direct refund. The increased tax credit will also encourage installation of energy storage systems which will contribute to both grid reliability and home resilience in power outages. Additionally, it will eliminate arbitrary system size limits on co-ops and condominiums, allowing collective residential units to install enough solar panels to meet the building's energy needs.
- **A.349/S.2032 Previously Owned Zero-Emission Vehicles Rebate Program** Personal cars and light duty trucks amount to roughly 20% of the greenhouse gas emissions in NY. As of August 2025, New York State had more than 300,000 electric vehicles (EVs) on the road, but that number represents less than 3% of the state's total registered vehicles. To meet our climate goals, New York needs over 2 million EVs on the road by 2030 and 10 million by 2050. New York already has an EV rebate program for new vehicles, but there is no incentive to ensure that used EVs stay in the market. This initiative would create a \$2,000 used electric vehicle rebate which would replace the federal used zero emissions car rebate suspended by the Trump administration. Such a rebate will make EVs more accessible and affordable to all New Yorkers.

Protect the CLCPA from rollbacks

It has been six and a half years since the passage of the Climate Leadership and Community Protection Act, and while there has been some progress made on NY's nation leading climate law, the distraction of the pandemic, the Trump administration's obstruction on wind projects, and inexplicable agency delays to program implementation have made it increasingly difficult for the State of New York to meet its 2030 goal of 40% reduction in greenhouse gasses from 1990 levels. The legislature must redouble its efforts to

get the state back on track with the acknowledgement that many of the state's climate solutions are in fact affordability programs and in the long term will save us from volatile fossil fuel prices, life threatening air pollution, and the worst ravages of a rapidly warming planet.

It is no secret that Governor Hochul and the environmental advocacy community have been at odds over handling of critical climate issues. This past fall, she gave state approval for the NESE pipeline, a fracked gas conveyance blocked by the previous administration for being costly, unnecessary and an unacceptable threat to marine life. She then issued air pollution permits to a crypto currency mine attached to the dirty Greenidge Generating Plant that the State previously ruled was noncompliant with the climate law. At the same time she announced the delay of the implementation of the 'All Electric Buildings Act' which was to go into effect in the coming weeks and begin a new era of emissions free homes and businesses. At the end of 2025 the Hochul administration appealed a court decision ordering her administration to release climate regulations that are already 2 years late, rather than comply with the law and finally implement the revenue generating 'Cap and Invest' program.

It is our understanding that the governor intends to use the latter part of this budget process to negotiate "moving the goal posts" on even more climate policy by changing target dates or greenhouse gas accounting methods. We urge the legislature to hold firm and engage in constructive negotiations to put New York back in a leadership position on climate change.

Grow the Environmental Protection Fund (EPF) to \$500 Million a year

Last year, the Environmental Protection Fund (EPF), was funded at an historic \$425 million and we are encouraged that the fund is projected to reach the \$425 million mark this year as well. It is our hope that with inflation and a growing list of environmental needs, the legislature can start charting a pathway to a \$500 million EPF in the future. The EPF is NY's primary funding source for critical programs like open space acquisition, farmland and habitat protection, drinking water infrastructure and waste reduction. The projects supported by the EPF are proven economic generators and job creators, with every \$1 invested in land and water conservation generating \$7 for the state in terms of ecological services, agricultural products and recreation-related revenue. Increased funding to the EPF revitalizes tourism and makes entire regions more attractive to businesses, secures clean water resources for wineries and breweries, and ensures that farmland is preserved and is affordable to new generations of farmers. Last year the Sierra Club was especially delighted that the legislature, through the EPF, fully funded the Pollution Prevention Institute (P2I) (\$4.6 million), Interstate Chemical Clearinghouse (IC2) (\$250,000), Children's Environmental Health Centers (\$4 million), and Albany Pine Bush Commission (\$3.1 million). We hope that these programs and institutions will continue to receive the necessary funding to advance their important work.

Fully Fund New York's Water Infrastructure needs

The Sierra Club has deeply appreciated the success of New York State's Water Infrastructure Improvement Act (WIIA) which, since 2017, has contributed over \$6 billion to much needed public water systems and programs, as threats to clean water continue to grow. The New York State DEC and DOH estimate that we will need approximately \$80 billion over the next 20 years to upgrade and maintain wastewater and drinking water infrastructure. Because of this, clean water advocates are grateful the executive budget proposal secures another \$500 million for FY2027 and we urge the legislature to ensure the money is allocated. In consideration of two converging emergencies - the desperate need to "fix our pipes" and combat the widespread PFAS contamination crisis - there is an argument to be made for even more funding. The clean water advocacy community was elated when the Governor announced a \$250 million increase to the annual clean water infrastructure fund, representing a \$3.75 billion, five-year commitment (\$750 million annually) There is some concern, however that the additional \$250 million originally promoted as "clean water funding" is exclusively dedicated to building the infrastructure for new housing developments. This funding, which is projected to continue for the five years of the financial

plan, would dedicate more than \$1 billion of taxpayer money as essentially a subsidy to housing developers. The program does not currently focus the funds to support affordable or workforce housing projects, nor does it focus the program on redevelopment of previously disturbed sites. As proposed, this program could result in rampant sprawl, negating clean water goals and doing little to address the shortage of affordable housing. The Sierra Club urges the Legislature to work to improve this proposal through budget negotiations. New York remains in desperate need of funds to repair failing sewage and drinking water infrastructure, upgrade and replace septic systems, protect source water protection through land acquisition projects, remediate and replace contaminated drinking water, confront harmful algal blooms in our waterways, address water pollution caused by agricultural run-off, replace lead drinking water service lines, upgrade mapping technologies for water systems, and so much more. We should not be diverting that money to pay for new housing developments.

Address the Scourge of Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Contamination in the Budget

As New York State struggles to reduce the deluge of perfluoroalkyl and polyfluoroalkyl substances (PFAS) flooding our environment, we also have to address the very real obstacles and challenges of how to dispose of these toxic “forever chemicals” that are found in a myriad of everyday consumer products. These chemicals - with over 15,000 different PFAS compounds in its class - are associated with serious health problems, such as thyroid disease, kidney and testicular cancer, reduced fertility, and developmental problems in children. The U.S. Environmental Protection Agency (EPA) has found that certain PFAS chemicals are toxic over lifetime exposures at even the lowest detectable levels, making clear the need to stop using these chemicals and to clean them up where they are found. **We urge the Legislature to include in your one house budget proposals money for clean ups of these forever chemicals, recognizing that tests are extremely expensive and remediation even more so.**

While cleaning up contaminated communities is essential, it is still a losing effort if the state of New York does not place greater focus on “turning off the tap” by banning the use, production and application of PFAS chemicals. Emerging studies are finding PFAS in increasingly high concentrations in food, cosmetics, and cleaning products, which in turn find their way into the human bloodstream and can cause a range of ailments, from cancers to neuropathies. The legislature has already taken steps to ban PFAS from fire fighting foam, food packaging and clothing. But there is so much more to do. **We ask the Senate and Assembly to pass:**

- **Multisector PFAS Ban** - S.187-A (Hoylman-Sigal)/A.7738 (Glick)
- **Beauty Justice Act** (*PFAS and other toxics out of Cosmetics and Personal Care Products*) - S.2057-A (Webb)/A.2054-A (Glick)
- In addition to the above bills, we encourage the Senate and Assembly to include in their one house budget proposals:
- **5-Year Moratorium on the land application of PFAS-laden sewage sludge/biosolids** - S.5759-C (Harckham)/A.6192-D (Kelles)
- **Fund PFAS testing** - \$250,000 for testing of products (apparel, food packaging, children's products) to collect data and enforce current regulations and bans; in addition, funding for PFAS testing related to the spreading of sewage sludge.

Cutting these chemicals off entirely at the source would save the state from considerable future fiscal hardship and misery, avoiding compounding clean-up costs and contamination-related fatalities and healthcare costs due to continued exposures.

And while we grapple with the constant flow of PFAS chemicals in our waste stream, the emerging issue of land spreading of PFAS-laden sewage sludge is nearing a tipping point. Through legislation, NYS should pause and ultimately stop land-application of sewage sludge due to the toxic nature of chemicals

found in the sludge (S.5759-C/A.6192-D). Additionally, more testing for PFAS in areas where there is documentation and data regarding the presence of PFAS: includes, but not limited to, the effluent at wastewater treatment plants, the soils of the farms and lawns where sewage sludge has been spread, etc.

Finally, the **NYS Legislature should establish a compensation fund to support farmers** who may lose their livelihood and their ability to farm their agricultural lands when PFAS contamination is found. Further, the state should develop a program to support farms impacted by contamination with expenses related to testing, compensating losses in revenue due to contamination, and assistance in navigating future business plans. Farmers and the farming community should not be punished and made to bear the brunt of the use of these toxic chemicals.

While the FY 2027 executive budget does contain promising funding levels for clean water safeguards, state park infrastructure, and the Environmental Protection Fund, one has to wonder what future events will lead Governor Hochul to claw them back the way she has done with so many other pivotal environmental programs. New York has always been a climate leader, especially in times when our national political disposition has been hostile to renewable energy and emissions reductions. The second Trump administration presents perhaps the greatest modern threat to addressing climate change and New York cannot shrink away from its responsibility to lead. The Sierra Club implores the legislature to help Governor Hochul to reclaim the mantle of climate justice and recommit to the goals of the Climate Leadership and Community Protection Act in the FY 2027 Budget. Our families and future cannot afford otherwise.

Thank you for your consideration of these comments,

A handwritten signature in black ink that reads "Roger Downs". The signature is fluid and cursive, with the first name "Roger" and last name "Downs" clearly distinguishable.

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