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FOR THE ENVIRONMENT



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Empowering Communities, Advocating Solutions.

Joint Legislative Hearing: Environmental Conservation

Testimony by Adrienne Esposito, Executive Director, Citizens Campaign for the Environment

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Thank you for the opportunity to provide testimony today. My name is Adrienne Esposito, and I am the Executive Director at Citizens Campaign for the Environment (CCE). CCE is a 120,000 member, non-profit, non-partisan advocacy organization working to empower communities and advocate solutions that protect public health and our natural environment.

SUPPORT ROBUST FUNDING FOR CLEAN WATER, CLEAN AIR, SAFE COMMUNITIES, AND JOBS

NY's environmental programs create good-paying jobs, strengthen local economies, provide clean drinking water, enhance recreational opportunities, protect vulnerable coastline communities, advance environmental justice, and so much more. Given the severe toll the Covid-19 pandemic was waged on our health and economy, the critical benefits that NY's environmental programs provide are needed now more than ever if we are going to build back stronger than before.

The federal government has recently made historic investments in environmental restoration and clean water infrastructure, largely through the recently passed bipartisan infrastructure bill. This includes, but is not limited to, over \$50 billion for clean water infrastructure, \$1 billion for the Great Lakes Restoration Initiative, and \$106 million for Long Island Sound restoration. This influx of federal funding, coupled with robust state environmental funding, would provide a once-in-a-generation opportunity to tackle both emerging and long-standing environmental challenges that we are facing here in New York—including climate change and resiliency, emerging contaminants in drinking water, lead drinking water pipes, legacy pollution, environmental injustice, and more. We must capitalize on this opportunity by providing ample funds to leverage and match federal dollars. Specifically, CCE is urging the legislature to support:

- **Environmental Protection Fund (\$400 Million):** Since 1993, the EPF has invested in projects to protect and restore our land, air, and water resources in every region of the

state. The EPF supports 350,000 jobs across the state, and EPF-supported industries generate approximately \$40 billion in economic activity every year. CCE is grateful that the legislature and Governor worked to provide \$300 million appropriations to the EPF over the past several years. This helped create jobs, support tourism, protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize waterfronts, build community parks, and more.

Despite the success of the program, we know the need continues to significantly outpace available resources. CCE appreciates the Governor's commitment to environmental funding with her historic proposal to provide an additional \$100 million to the EPF, bringing the EPF to an all-time high of \$400 million. We respectfully urge the legislature to join the Governor and support a \$400 million EPF in the final SFY 2022-23 budget.

Within a \$400 million EPF, CCE supports increasing funding for critical programs, including:

- **Ocean and Great Lakes Program (\$25 million)**

The Ocean and Great Lakes Program is the state's primary source of funding for scientific research, management planning, and restoration projects to improve our coastal health. It helps advance the ambitious agendas found in the state's publicly-vetted New York Ocean Action Plan and Great Lakes Action Agenda, and to plan for new uses. The influx of federal funding through recent and historic federal infrastructure bill (e.g. provides \$1 billion for Great Lakes and \$106 million for Long Island Sound restoration) promises a once-in-a-generation opportunity to leverage investments and benefits for New York's Great Lakes and Ocean coasts. Increased funding through this line would help leverage clean up of Great Lakes' toxic hot spots, known as Areas of Concern (AOCs), implement the state's upcoming Ocean Acidification Task Force actions, help advance responsibility sited offshore wind in the Ocean and Great Lakes, and more. *We respectfully urge the legislature to support a \$25 million for the Ocean and Great Lakes line item (proposed at \$22 million in executive budget proposal).*

- **South Shore Estuary Reserve (SSER) Program (\$5 million)**

The SSER program was created by state legislation in 1993. Since that time, the SSER program has been funded by a \$900,000 line item in the EPF to support implementation of the SSER Comprehensive Management Plan. In 2021, the program updated its Comprehensive Management Plan and additional funding is needed to accomplish new priorities and goals aimed at protecting and restoring this critical natural resource.

The EPF plays a critical role in protecting New York's environment and implementing important restoration and resiliency projects throughout the Reserve. The Reserve is particularly vulnerable to the impacts of climate change, sea level rise, excessive nitrogen loading and harmful algal blooms. It is critical that funds are available to support projects that advance resiliency and adaptability of the estuary and address the growing impairments from nitrogen pollution. Despite these growing challenges and needs,

funding for the Reserve has remained flat at \$900,000 for the last decade. Allocating increased state funding for important environmental programs will allow these programs to better leverage new federal funding commitments. An increase in funding is needed to help advance the identified restoration goals. Specific projects could include:

- Increased monitoring within the tributaries of the Reserve
 - Implementation of green infrastructure projects to curb harmful stormwater run-off
 - Creation of new fish passage projects to increase habitats for migrating species
 - Rebuilding vital shellfish populations for improved habitat and water quality
 - Comprehensive public educational campaigns to reduce plastic pollution and marine debris
- **Support the Clean Water, Clean Air, and Green Jobs Environmental Bond Act (\$4 billion):** An environmental bond act will provide much-needed funding to make communities across the state more resilient to climate change, protect and restore water resources, reduce greenhouse gas emissions, expand clean energy and energy efficiency, and support job creation and sustainable economic development.

From the Great Lakes to our marine coast, New York State is on the front lines of the climate crisis. Multiple historic extreme flooding events (e.g. Hurricanes Ida and Henri), along with record flooding, such as what we've experienced along Lake Ontario, have wreaked havoc on New York State in recent years. It is essential that we protect and restore natural systems, while making our shorelines and communities more resilient to the impacts of climate change. An environmental bond act can serve as a game-changer in this regard and support more than 65,000 jobs in the process. Furthermore, these funds can help to match and leverage funding provided through the federal infrastructure bill, and potentially through the Build Back Better Act, making New York's investments to go even further.

CCE strongly supports Governor Hochul's proposal in her executive budget proposal to increase the Clean Water, Clean Air, and Green Jobs Environmental Bond Act to \$4 billion, and supports the categories proposed in the executive budget proposal.

- **Clean Water Infrastructure Act (\$1 billion):** NY State made history when the legislature worked with the previous administration to enact the Clean Water Infrastructure Act (CWIA) of 2017, which invested \$2.5 billion over 5 years in upgrading wastewater and drinking water infrastructure, protecting source water, and other provisions to protect our treasured waters across the state. The last three years' budgets each included an additional \$500 million, as part of a commitment by the previous administration to provide an additional \$2.5 billion over five years (providing a total of \$1 billion annually over the last three years).

Investments made through the CWIA are making a tremendous impact in advancing shovel-ready projects, protecting drinking water quality, and creating jobs throughout

New York. To date, this successful program has invested over \$4 billion to upgrade clean water infrastructure. The CWIA funds numerous programs, including the Water Infrastructure Improvement Act (WIIA), which helps local governments afford critically needed projects including water main repairs, sewer pipe replacements, and treatment plant upgrades. WIIA has been extremely popular and successful, distributing over 600 grants to communities in every county outside of New York City. Increased funding has also created jobs and paved the way for economic development—creating 17 local jobs for every \$1 million invested. In 2019 alone, New York’s water infrastructure grants created over 20,000 jobs that pay prevailing wage.

These investments are yielding significant results; however, we still have much work to do to address all of New York’s clean water needs. Only a fraction of those that have applied for funding under WIIA have received funding, meaning that many worthy projects have not been funded. This speaks to both the popularity of the grant program, as well as the need to provide additional funding to meet the clean water infrastructure needs of communities across the state. As you know, New York State has estimated that the combined wastewater and drinking water infrastructure needs in the state exceed \$80 billion over the next 20 years. This massive, yet dated and likely very conservative estimate, does not include other significant clean water needs in New York, including testing and treating drinking water for emerging contaminants, drinking water source protection, lead service line replacement, harmful algal bloom response and prevention, climate resilient infrastructure, and ongoing operations and management for water infrastructure systems. On Long Island alone, water suppliers have estimated a cost of \$840 million to treat 185 wells contaminated with 1,4-dioxane. We have solutions to these problems, and we can’t afford not to use them.

New York must act now to maximize the benefits of this historic opportunity provided by the federal infrastructure bill, which includes over \$50 billion for clean water and drinking water infrastructure through key Environmental Protection Agency (EPA) programs. By formula, New York State receives the highest proportion of SRF funds. Funds provided by the infrastructure bill include:

- \$11.7 billion for both the Clean Water and Drinking Water State Revolving Fund (CWSRF & DWSRF) programs
 - \$15 billion for lead service line replacement through the Drinking Water SRF program
 - \$10 billion to address emerging contaminants through the Small and Disadvantaged Communities program, the Drinking Water SRF, and the Clean Water SRF
- Billions in potential additional funding for existing and new water infrastructure programs over the next 5 years with up to:
- \$22.8 billion for the Clean Water SRF
 - \$20 billion for the Drinking Water SRF
 - \$1.4 billion for EPA’s Sec. 221 Sewer Overflow grant program

- \$700 million for EPA’s Reducing Lead in Drinking Water and Lead in Schools programs
- \$250 million for a new EPA Individual Decentralized Wastewater Treatment System grant program

We are grateful that the Governor has maintained the state’s commitment to provide an additional \$500 million investment in the CWIA in her 2022-23 executive budget proposal. However, with last year’s budget being the last of the initial \$2.5 billion, 5 year investment in the CWIA made in 2017, New York would see funding decrease from \$1billion to \$500 million. Now is not the time to pull back on this critical environmental, economic, and public health need. *To meet the massive clean water infrastructure needs across the state, create jobs, and to leverage additional federal dollars coming from the recently passed bipartisan infrastructure bill, we urge the legislature to work with the Governor to increase funding for the CWIA to \$1billion in the final SFY 2022-23 state budget.*

- **Increase staff at New York’s Environmental Agencies (DEC and DOH):** New York’s state agencies are working to implement growing mandates, including the Climate Leadership and Community Protection Act and Clean Water Infrastructure Act, while continuing to provide critical permitting, public safety, and enforcement services on day-to-day basis. Despite the significant increase in responsibilities, staff levels are far lower than they were decades ago. Agencies cannot do more with less; they are doing less with less. Staff levels at key agencies should be increased in order to fulfill existing responsibilities and to prevent missed opportunities to leverage an influx of new federal dollars.

We thank the Governor for proposing increases to key state agencies and lifting the hiring freeze. This is an important step in the right direction to put agencies on the path to restoring staff numbers to pre-2008 levels. CCE urges the legislature to look for opportunities to increase staff at:

- **NYS Department of Environmental Conservation:** In order to tackle our most pressing water pollution issues, it is imperative that the NYS DEC have the staffing to properly enforce the rules and regulations that protect our ground and surface waters, and to implement their many responsibilities under the Clean Water Infrastructure Act. The DEC Division of Water has significantly fewer staff today than 25 years ago, despite increased mandates and clean water challenges. *We are grateful that the Governor has proposed 94 new staff at DEC, and urge the legislature to seek opportunities to increase staff numbers further.*
- **NYS Department of Health:** The NYSDOH Bureau of Public Water Supply Protection has an equally vital role in drinking water public health protection. Sufficient funding is needed to support staff that can oversee new drinking water MCL’s for 1,4-dioxane, PFOA, and PFOS. Furthermore, legislation signed into law in December of 2021 requires the DOH to significantly expand the list of emerging contaminants that every water utility across the state, regardless of size, is required to test for. DOH is also tasked with setting notification levels so the public is directly informed if elevated levels of emerging contaminants are discovered in their drinking water. *DOH, particularly at the Bureau of Public Water Supply Protection, needs additional staffing to fulfil these responsibilities and protect public health.*

ADDRESS THE STATE'S SOLID WASTE CRISIS

At the local, state, national level—we are all experiencing a solid waste and recycling crisis. Instead of creating our own markets and developing our own infrastructure, we relied on sending our recyclables to China and other overseas markets. In January of 2018, China dramatically altered their policy and now requires inspections of all recycling materials before accepting them, including New York's paper and plastic. That has essentially halted the ability of the U.S. to send recyclable materials to China and other overseas markets.

From rural upstate communities to New York City, and throughout our suburbs, local recycling programs in every part of the state are struggling to survive as costs have skyrocketed. In 2020, according to the NYS Product Stewardship Council, it was estimated that local governments and recycling system ratepayers had to spend \$80 million to keep local recycling programs alive and prevent the 1.5 million tons of residential curbside materials generated annually by NY residents from ending up in landfills and incinerators.

The value of curbside recyclable materials is subject to fluctuating and volatile markets, with local recycling programs bearing the financial risk. Municipalities across the state are already considering the unwanted step of ceasing or scaling back recycling operations. That would be most unfortunate since it would result in far more materials being sent to landfills and incinerators, both of which are environmentally less desirable than recycling, reuse, composting and waste prevention, which are at the top of New York State's solid waste hierarchy.

Markets routinely fluctuate, but we have entered a new normal—a new normal that needs new, innovative solutions. Policy changes at the state level are a necessity to address New York's ongoing solid waste crisis, save valuable natural resources, drive economic development, avoid tax increases, and protect our environment. CCE thanks the legislature and the Governor for taking critical steps to address our solid waste and litter woes by banning carryout plastic bags, Expanded Polystyrene (EPS) food service containers and packaging peanuts, and small plastic toiletry bottles at hotels in recent legislative sessions. However, to adequately address our solid waste challenges we need to do more. Managing our solid waste is doable and necessary, but it will take state leadership. Therefore, CCE urges New York State to consider the following funding and policy initiatives in the 2022-2023 NYS budget:

- **Adopt Extended Producer Responsibility (EPR) for Packaging and Printed Paper**
CCE urges the legislature to consider large-scale solution that would create a much needed, systematic, and significant transformation to the entire solid waste system—extended producer responsibility for packaging and printed paper. If New York State is serious about truly addressing our solid waste woes, and not merely applying band aids, EPR must be included in the final 2022-23 state budget. We applaud Governor Hochul for proposing EPR for packaging and paper in her 2022-23 executive budget proposal, and we look forward to working with her office and the legislature to adopt a strong EPR policy in the final budget.

New York generates more than 17 million tons of municipal solid waste annually. An estimated 40 percent of that waste is composed of product packaging and paper products, such as plastic containers, steel cans, plastic film, glass bottles, paper, and cardboard. Unfortunately, less than half of this waste is being recycled properly. Instead of being recycled, much of this waste is ending up as litter in our communities, shipped to landfills, or burned in trash incinerators.

Our waste crisis is also contributing to the climate crisis. The Climate Action Council's Climate Action Draft Scoping Plan identifies the waste sector as a significant contributor to greenhouse gas emissions that requires a multiple layer approach to reduce these emissions to achieve the mandates of the climate law. According to the Draft Scoping Plan, "greenhouse implications of waste go beyond waste handling considerations. More than 70% of municipal waste is made up of discarded products and packaging, the production, distribution, and disposition of which generate emissions. Every step of the process—mining, harvesting, manufacturing, and distribution—consumes energy and generates pollution." The Draft Scoping Plan identifies EPR for packing and paper as a key strategy for reducing GHG emissions from the waste sector.

Policy changes in China that have restricted the export of recyclable packaging and printed paper materials have significantly increased the costs for local governments and taxpayers to manage and dispose of these materials. While local governments in NYS are tasked with achieving waste diversion goals—increasing costs to taxpayers—manufacturers currently bear no responsibility in dealing with the waste that they create. As noted previously, according to the Product Stewardship Council, in 2020, these costs were estimated to total \$80 million for local governments across New York State.

Large brands have externalized the cost of disposing of packaging onto our municipal recycling programs. For example, an estimated 165 billion packages are shipped in the U.S. every year, with the cardboard used roughly equating to more than 1 billion trees. Companies (think Amazon and Blue Apron) currently bear no responsibility in dealing with the packaging waste that their business creates. Instead, taxpayers are shouldering the financial burden for disposal.

Extended Producer Responsibility (EPR) would require producers (brand owners) to take responsibility for their products throughout their entire product life cycle, by bearing the cost of proper recycling and responsible disposal for packaging and printed paper. An EPR program shifts costs away from local governments and taxpayers, but importantly, an EPR program for paper and packaging needs to include strong environmental standards and post-consumer content goals to drive real progress in waste reduction, increased recyclability, less toxic packaging, and decrease demand on natural resources.

Packaging EPR policies have existed in Canada and the EU for decades, and have resulted in recycling rates upwards of 80%. In 2014, British Columbia adopted a packaging EPR law, which now stands as a shining example of success. In 2017, Recycle BC, (the industry funded non-profit organization comprised of over 1,100 companies

including manufacturers, retailers, restaurants and first importers that supply packaging and paper to BC residents) recovered approximately 175,000 tons of packaging and paper products from 3.5 million residents, amounting to a recovery rate of 75%. The majority of collected material was sold to end markets for use in the manufacturing of new products and packaging. Even with the China Ban, the Recycle BC program remains successful. British Columbia's EPR program has garnered improved environmental outcomes by collecting larger quantities of packaging and paper products with lower rates of contaminations. Subsequently, the material is managed more efficiently and responsibly. This program saves local governments an estimated \$100 million annually by shifting the responsibility to the producers of packaging and paper products.

New York State already has EPR policies for e-waste, mercury thermostats, rechargeable batteries, pharmaceutical drugs, and consumer paint. Enacting EPR for packaging and printed paper is logical next step. *CCE looks forward to working with the Governor and legislature to adopt an EPR policy in the final budget that provides convenient and consistent recycling options to all New York State residents, increases recycling of paper and product packaging, reduces product packaging and paper waste, increases packaging reuse, reduces greenhouse gas emissions from the waste sector, reduces toxicity of packaging, saves local governments and taxpayers money, and holds brands accountable for meeting the goals set out in the legislation.*

- **Ban Toxic Chemicals in Product Packaging:** An important and critical compliment to packaging EPR is a policy that would expand the prohibitions of toxic chemicals in product packaging. Increasing recycling and decreasing toxicity of product packaging must go hand-in-hand. CCE strongly supports the prohibition of PFAS and phthalates—which threaten public health and our shared environment—in all product packaging. In addition to PFAS and phthalates, CCE urges the legislature and Governor to work with stakeholders to identify and ban other toxic chemicals in often found in product packaging in the final SFY 2022-23 budget.
- **Expand and Modernize the Bottle Bill**
New York State's Returnable Container Law (aka "the Bottle Bill") was enacted in 1982, and after 38 years of existence, stands as one of New York's most successful and impactful environmental laws. The program established a 5-cent refundable container deposit on beer, malt liquor, wine coolers, and carbonated soft drinks sold in a metal, glass, paper or plastic container that are less than 1 gallon in volume. The Bottle Bill was updated and improved in 2009 to include bottled water, and to direct 80% of unclaimed deposits to be kept by the state.

The Bottle Bill has reduced roadside container litter by 70 percent. In 2016, the Bottle Bill helped to recycle 5.1 billion plastic, glass and aluminum beverage containers totaling more than 336,000 tons; at no cost to local governments. It is also important to highlight that a deposit is NOT a tax, it is a deposit—the bottle deposit is 100% refundable, and those that return their bottles don't have to pay a nickel. Despite the success of the Bottle Bill, more must be done to modernize this bedrock law in order to help address the solid waste crisis, reflect current markets, and further protect the health of our environment.

New York State can improve beverage container recycling rates and support municipal solid waste reduction by modernizing and expanding the Bottle Bill in the 2022-23 state budget. At a minimum, CCE recommends that New York State:

- ✓ ***Increase the amount of the container deposit to 10 cents on each covered container.*** An increased deposit will yield higher return rates through the bottle deposit program. Michigan's 10-cent deposit has produced a return rate of 96% (New York's return rate in 2015 was 65%). Increasing the deposit to 10 cents will help further reduce litter, and will also reduce the amount of materials going in curbside recycling bins, thus reduce costs to local governments.
- ✓ ***Expand covered containers to include wine, liquor, and other glass beverage bottles.*** Many of the glass containers that are carefully cleaned and placed into recycling bins have been sent to landfills for years. Statewide, more than 122 million pounds of recycled mixed glass was used for landfill access roads and trash cover last year because there were no willing buyers. In contrast, glass materials collected under the bottle deposit system produce a higher quality post-consumer recycled product than glass collected through curbside recycling programs. Glass collected through curbside recycling programs is frequently heavily contaminated with paper, cardboard and other recyclables, which must be sorted mechanically. Because of this, materials collected actually bring in significantly lower per-ton scrap revenues. Curbside glass, in fact, actually costs about \$20/ton to recycle, versus deposit glass that has a \$20/ton scrap value.

Including a deposit on wine, liquor, and other glass beverage containers will provide significant financial relief to municipal recycling programs, while helping to ensure that glass bottles are actually recycled. Glass wine and liquor bottles can and must be incorporated into the current deposit system. Furthermore, the legislature should consider a higher deposit for wine and liquor bottles to incentivize the public to return for recycling—CCE recommends 25 cents per each wine and liquor bottle.

- ✓ ***Expand covered containers to include juices, teas, sports drinks, and other non-carbonated beverages (must be coupled with expanding covered containers to include deposit on glass wine and liquor bottles).*** Including other beverage containers that are very popular today is a logical way to modernize and improve the Bottle Bill, and would further increase recycling, reduce plastic pollution, save energy, and reduce greenhouse gas emissions. CCE also understands the concerns raised by municipal recyclers that including a deposit on these beverage containers will largely remove them from curbside recycling bins, where they can provide a valuable revenue stream for municipal recyclers. We do not want to solve one recycling problem by creating another. To help increase recycling of plastic beverage containers that contain non-carbonated beverages, and to ensure that municipal curbside recycling programs remain viable, CCE believes that an expanded Bottle Bill that includes a deposit on non-carbonated beverages must also cover glass wine and liquor bottles. This would increase recycling of plastic containers, while removing many glass bottles from curbside bins which often contaminate other recyclable items and represent a significant cost to municipal recycling programs. This represents a major win-win for our environment and municipal recycling budgets.

- **Adopt Product Stewardship/EPR Program for Carpets**

The public and businesses have almost no way to recycle carpets in a convenient and cost-effective way. Nationwide, less than 5 percent of it is recycled, and the New York recycling rate is only 1 percent, meaning that about 500 million pounds of NYS carpets go to landfills and incinerators each year. Local governments are now facing higher costs associated with recycling and waste. In New York it is estimated that the annual cost of carpet disposal to be \$22 million. Carpets are expensive and difficult for municipalities to manage, and often contain harmful chemicals, including PFAS.

Implementing a product stewardship program for carpets will help ensure that manufacturers take responsibility for managing their products throughout their entire life cycle, which will incentive them to make products that are less toxic and more recyclable, while reducing the financial burden currently placed on already overburdened municipalities and taxpayers across New York State. *CCE supports efforts to adopt a strong policy for carpet product stewardship in the final SFY 2022-2023 budget.*

FIGHT CLIMATE CHANGE AND BUILD A CLEAN, RENEWABLE ENERGY FUTURE

The Covid-19 pandemic has decimated our economy and our health, while climate change remains as our biggest, long-term existential threat. To spur COVID-19 economic recovery, create new jobs, protect our health, lead the fight against climate change, and implement the Climate Leadership and Community Protection Act, New York must act immediately to build a clean, renewable energy future. In the Governor's executive budget proposal, she has provided multiple important initiatives that move New York State forward on climate/clean energy:

- 100% electric school buses statewide by 2035, with all new purchases required to be electric starting in 2027.
- \$500 million investment in ports, manufacturing, and supply chain infrastructure for offshore wind.
- Incentives for early retirement of New York City's dirtiest fossil fuel power plants.
- Requiring all new construction to have zero on-site GHG emissions no later than 2027, and have 2 million electrified or electrification-ready homes by 2030.
- \$1 billion for electric vehicle adoption and infrastructure.

Support Direct Sales of Zero Emission Vehicles: Last year New York State passed an important law to require 100% of passenger vehicles sold in New York to be zero emission by the year 2035. This is critical, as New York State has reported that the transportation sector is the state's biggest greenhouse gas emitter, and that emissions are on the rise—increasing nearly 23% from 1990 to 2014. Despite the need to expand the use of zero emission vehicles in New York, legislation enacted in 2014 limited the direct sales of zero emission vehicles to just five licensed locations—all located downstate, leaving upstate residents without access to buy EVs. We

cannot meet our climate and ZEV goals without providing greater consumer access to EV sales and service across the entire state.

Proposed legislation (S.1763/A.4614) would give more New Yorkers the option to purchase and service zero emission vehicles all across the state by allowing more direct sales locations from multiple EV manufacturers. Expanding the sale of zero emission vehicles across the state will help reduce greenhouse gas emissions, meet important climate and ZEV goals, protect air quality, create jobs in the clean energy sector, and keep up with consumer demand in every region of the state. Currently, 31 states allow some form of direct sales, of which 22 allow for uncapped sales. New York must not lag behind, but rather, be a leader in the transition to ZEVs. ***CCE urges the Governor and legislature to include Direct Sales of ZEV (S.1763/A.4614) in the final SFY 2022-23 budget.***

EXPAND PROTECTIONS FOR FRESHWATER WETLANDS

Wetlands provide significant benefits to the people and the environment of New York State. Acting like filters, wetlands protect lakes, rivers, and streams by absorbing pollutants, pesticides, nitrogen, phosphorus and other contaminants. Wetlands save billions of dollars in property damage annually by acting as a buffer against storm water and absorbing floodwaters.

Despite their immense importance for New Yorkers, the state has been in a federal legal debate for the past 20 years over what constitutes a wetland and who has the authority to protect them. Many of these critically important wetlands have been filled, dredged and drained across the state resulting in contaminated public water supplies and increased flooding in communities. Just last week, the Supreme Court of the United States announced that it would revisit this issue. The court could rule that isolated wetlands and ephemeral streams will lose their federal protections. NYS needs to step up and ensure that there is a consistent definition of wetlands and predictable protections for conservationists and landowners alike.

Currently, state law limits the NYS DEC to regulate mapped wetlands 12.4 acres or larger. Most of these maps have not been updated in decades, making them incomplete, and the amendment process can be lengthy and burdensome in administrative costs. There are hundreds of thousands of acres of wetlands in high development areas of New York that are not on official maps and are left completely unprotected.

Governor Hochul has proposed a policy in her executive budget proposal that will remove the jurisdictional barriers that these maps have created and allow DEC to immediately protect and regulate wetlands 12.4 acres or larger if they meet the basic scientific definition of these critical habitat areas. According to the DEC, this would increase state protected wetlands (12.4 acres or larger) by an estimated 1 million acres that were never officially mapped. This bill would also expand the Departments authority over smaller wetlands of unusual importance, which includes class I wetlands and class II wetlands that possess valuable characteristics such as being effective for community flood water control, within an urban area, possessing rare plant or animal species, or important to maintaining clean drinking water. ***CCE supports this important policy and urges the legislature to include it in the final SFY 2022-23 budget***

