

**Testimony of Bobbi Wilding**

**Executive Director, Clean and Healthy New York**

**Before the New York State Legislative Environmental Conservation Budget  
Hearing:**

**To Discuss The New York State 2022-23 Proposed Executive Budget**

**New York State Senate Standing Committee on Environmental Conservation  
Senator Todd Kaminsky, Chair**

**New York State Assembly Standing Committee on Environmental Conservation  
Assemblyman Steven Englebright, Chair**

**Legislative Office Building  
Albany, New York**

**Tuesday, February 1, 2022**

Good morning. Thank you for the opportunity to speak with you today on the NYS Budget. My name is Bobbi Wilding, Executive Director of Clean and Healthy New York. Our mission is to build a just and healthy society where toxic chemicals are unthinkable, and my comments today are focused on having New York State play a leadership role on this coming transition through budget choices made for FY 2023 NYS Budget and beyond.

At the highest level, we urge using this time of increased income to do the following:

- Restore staffing levels at the Department of Environmental Conservation to levels that enable full implementation and enforcement of our state's environmental laws and regulations,
- Support the expansion of the Bond Act to \$4 billion, with recommendations about ways to spend the additional funds,
- Support the growth of the Environmental Protection Fund with recommendations about increases to specific lines,

- Support for enacting the strongest Extended Producer Responsibility policy for our state,
- Support for the expansion of the Toxics in Packaging law, which is long overdue.

## **RAPID REFILLING OF STAFF AT DEC IS VITAL**

We appreciate that the Governor's budget proposes an increase in staff at the NYS Department of Environmental Conservation of 94 staff, apparently including some for the Pollution Prevention Unit. At its peak before cuts began in the 1990s, the agency had roughly 4,000 employees. It was cut back to roughly 2,900 staff in the early 2010s, and has not been restored at the same rate of other agencies as the economy has recovered.

We note that the Black Puerto Rican, Hispanic, and Asian Legislative Caucus includes a return to 3,300 staff at DEC in their People's Budget, and believe that this is a necessary and significant step to return to adequate staffing closer to 4,000.

Specifically, to address knowing about and acting on toxics in industry and daily products, we urgently urge increasing staff for the Pollution Prevention Unit of the Division of Materials Management, which now has significantly fewer staff than in the past, even as it has been tasked by the Legislature with implementing important child- and public-health measures such as the Toxic Chemicals in Children's Products law (also known as the Child Safe Products Act), cleaning product ingredient disclosure and more. At its current funding level, P2U will not be able to fulfill its duties under these important laws, leaving children and consumers in harm's way. This part of DEC has become an ever-more-frequent go-to source for research on toxics, food waste, and other critical pollution issues facing the state, but it has not been adequately resourced to do this work.

## **SUPPORT FOR A \$4 BILLION BOND ACT**

The framework for this Bond Act is about creating infrastructure that supports New Yorker's health and the environment, and as the bond act is proposed to grow by 33%, we believe it is critical that a significant portion of these funds go to innovative solutions to produce and use nontoxic materials that can be reused, repaired, restored, remanufactured, and ultimately recycled or returned to the earth as a nutrient.

This could include local or regional infrastructure for sterilization and reuse of nontoxic packaging materials for take-out, beverages, and more. This was already being advanced in New York City by Fresh Start (<https://www.myfreshbowl.com>) before Covid. There are many other opportunities for increasing infrastructure for remanufacturing, revitalizing, and repairing items, as well as finding new ways to replace nontoxic reusable materials for single-use items.

## **SUPPORT FOR A GROWING ENVIRONMENTAL PROTECTION FUND**

Environmental Protection Fund to \$400M total this year, on a path to reaching \$500M. Within the additional \$100M this year, we urge the following changes within the Solid Waste Management section:

- **Support for the Governor's proposed addition of \$5M to the Environmental Justice line.** This increase is an important part of the overall efforts to rectify disproportionate harm to Black, Indigenous, and other people of color communities and low-income neighborhoods.
- **Increasing funding for the Pollution Prevention Institute (P2I) and Interstate Chemicals Clearinghouse (IC2) to \$7.5M overall and \$500K for the IC2,** above the Governor's proposed static \$4M overall and \$100K to the IC2. New York State counts on both of these organizations to address environmental health issues, particularly toxic chemicals. The **NYSP2I** has not seen an increase in its line item in over a decade, even as has taken on increasing research responsibilities for safer solutions to fluorinated fire fighting foam, scoping the problem of food waste, as well as their overarching mission of working with New York businesses to prevent pollution well beyond legal requirements.

The **Interstate Chemicals Clearinghouse** has developed the technical infrastructure to collect chemical content information for products, which streamlines reporting for companies when multiple states request it, and makes it easier for states to implement disclosure requirements because they don't have to develop independent databases. In recent years, New York has enacted nation-leading laws that benefit from the IC2's capacity, and the organization needs an increase in resources from our state to robustly support the implementation of our laws.

- **Increasing funding for the Children's Environmental Health Centers to \$4M** from the Governor's static proposal of \$2M. These centers, located from Buffalo to Long Island, provide critical support to pediatric practices to identify, treat, and prevent diseases with environmental origins. They have proven themselves over the past five years, and increased funding would enable them to widen their circles of influence to support more pediatric health care professionals having the knowledge and tools to address children's environmental health concerns.
- **Support for increasing the Recycling line from \$15M to \$16M,** which supports solution-seeking the new Center for Sustainable Materials Management based at SUNY ESF, as well as Alfred University, SUNY Stonybrook, and University at Buffalo.

## **PACKAGING: EXTENDED PRODUCER RESPONSIBILITY and REDUCING TOXICS**

Clean and Healthy New York supports a strong program for extended producer responsibility in New York State, and we appreciate that there are a number of different proposals out there, and we look forward to engaging in that conversation during the budget negotiation process.

We strongly support expanding the decades-old toxics in packaging law, whether that is done within an EPR policy or separately, as the Governor proposes. As we move to having materials cycling through our society over and over, the inclusion of toxic chemicals presents new and unexpected exposures, especially if the materials are recycled into different products.

We also support the Governor's proposed bold initiatives such as the:

- \$300M - Federal Drinking Water Appropriation - To provide resources to improve public water systems, specifically those in communities disproportionately impacted by lead in drinking water.
- \$250 Million RESTORE NY Program;
- Commitment to Zero Emission School Buses by 2027; All-Electric Electric School Bus Fleet by 2035; and Electrifying the State Fleet by 2035;
- \$59M - Clean Green Schools initiative, prioritizing our disadvantaged communities for air quality improvements; Reducing toxics such as PFAS and Phthalates in packaging, to eliminate PFAS from food packaging in NYS.
- Tax Credits for the Phase Out of No. 6 Grade of Fuel Oil Effective July 1, 2023 and the proposed 50% Tax credits to assist entities to convert to cleaner energy sources like biodiesel or geothermal.
- Phasing out power plants using fossil fuels and generating toxic emissions, particularly in identified disadvantaged environmental justice communities;
- Expanding solar energy and reducing air pollution from trucks and other vehicles;
- Modifying the the Brownfield Cleanup Program and extend the program until 2036;
- Extending, until December 31, 2027, the Waste Tire Management and Recycling Program;
- Increasing the amount of Real Estate Transfer Tax funds deposited into the Environmental Protection Fund and revise the regulations of freshwater wetlands;
- Creating wastewater management facilities that are located away from already disadvantaged environmental justice communities and establish a water quality restoration fee;
- Making school districts eligible for funding from the State Water Pollution Control Revolving Loan Fund to remove contaminants and other toxics like lead.

## **USE NEW FEDERAL FUNDING**

Clean and Healthy New York urges New York leaders to utilize the \$13.4B in new Federal funding over 5 years, of which \$5.7B is expected for: Roads, Bridges, and Major Projects (\$4.6 billion); Clean Water, Weatherization, and Resiliency (\$3.2 billion). We remind leaders that New York State received \$12.7B in American Recovery Act Funds received in SFY 201-2022, but only \$5.4B was utilized in the 2021-2022 enacted budget. Our leaders and Governor need to make every effort to utilize these funds before 2024.

Thank you again for this opportunity to testify.