

1 BEFORE THE NEW YORK STATE SENATE FINANCE
AND ASSEMBLY WAYS AND MEANS COMMITTEES

2 -----

3 JOINT LEGISLATIVE HEARING
4 In the Matter of the
2022-2023 EXECUTIVE BUDGET ON
5 ENVIRONMENTAL CONSERVATION

5 -----

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Virtual Hearing
Conducted via Zoom

7

8

February 1, 2022
9:36 a.m.

9

10 PRESIDING:

11

Senator Liz Krueger
Chair, Senate Finance Committee

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Assemblywoman Helene E. Weinstein
Chair, Assembly Ways & Means Committee

13

14 PRESENT:

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Senator Thomas F. O'Mara
Senate Finance Committee (RM)

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Assemblyman Edward P. Ra
Assembly Ways & Means Committee (RM)

17

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Senator Todd Kaminsky
Chair, Senate Committee on
Environmental Conservation

19

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Assemblyman Steve Englebright
Chair, Assembly Committee on
Environmental Conservation

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Senator Michelle Hinchey
Chair, Senate Committee on Agriculture

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Assemblywoman Donna A. Lupardo
Chair, Assembly Committee on Agriculture

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3 PRESENT: (Continued)

4 Senator José M. Serrano
Chair, Senate Committee on Cultural
5 Affairs, Tourism, Arts and Recreation

6 Assemblyman Daniel J. O'Donnell
Chair, Assembly Committee on
7 Tourism, Parks, Arts and
Sports Development

8 Senator Kevin Parker
9 Chair, Senate Committee on Energy and
Telecommunications

10 Assemblyman Michael J. Cusick
11 Chair, Assembly Committee on Energy

12 Assemblyman Harvey Epstein

13 Assemblywoman Patricia Fahy

14 Assemblyman Robert Carroll

15 Senator Dan Stec

16 Assemblyman Steven Otis

17 Assemblywoman Didi Barrett

18 Senator Anna M. Kaplan

19 Assemblywoman Deborah J. Glick

20 Senator Pete Harckham

21 Assemblyman Robert Smullen

22 Senator John W. Mannion

23 Assemblyman Harry B. Bronson

24 Assemblywoman Alicia Hyndman

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3 PRESENT: (Continued)

4 Senator Brad Hoylman

5 Assemblyman Angelo Santabarbara

6 Assemblywoman Carrie Woerner

7 Senator John Liu

8 Assemblyman Billy Jones

9 Assemblywoman Marianne Buttenschon

10 Assemblyman Philip A. Palmesano

11 Senator George M. Borrello

12 Assemblyman Chris Tague

13 Senator Patty Ritchie

14 Assemblyman Mark Walczyk

15 Assemblywoman Rebecca A. Seawright

16 Senator Sue Serino

17 Assemblyman Chris Burdick

18 Assemblywoman Karen McMahon

19 Assemblyman John Lemondes

20 Senator Brian Kavanagh

21 Assemblyman William Conrad

22 Assemblywoman Jessica González-Rojas

23 Assemblyman Matthew Simpson

24 Assemblyman Doug Smith

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3 PRESENT: (Continued)

4 Senator Rachel May

5 Assemblyman Brian Manktelow

6 Assemblyman Zohran K. Mamdani

7 Assemblywoman Vivian E. Cook

8 Senator James Tedisco

9 Assemblyman Michael Durso

10 Assemblyman Erik M. Dilan

11 Assemblywoman Linda B. Rosenthal

12 Senator Daphne Jordan

13 Assemblyman Keith P. Brown

14 Assemblyman José Rivera

15 Assemblywoman Judy Griffin

16 Assemblyman Khaleel M. Anderson

17 Senator Andrew Gounardes

18 Assemblywoman Anna R. Kelles

19 Assemblyman Thomas J. Abinanti

20 Assemblywoman Pamela J. Hunter

21 Assemblyman Fred W. Thiele, Jr.

22 Assemblyman J. Gary Pretlow

23 Senator Leroy Comrie

24 Assemblyman Christopher S. Friend

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3 PRESENT: (Continued)

4 Assemblywoman Amanda Septimo

5 Assemblyman John T. McDonald III

6 Assemblywoman Jennifer Lunsford

7 Senator Diane J. Savino

8 Assemblywoman Jodi Giglio

9 Senator Jabari Brisport

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14 LIST OF SPEAKERS, Part 1

15 STATEMENT QUESTIONS

16

Rory Christian
 17 Chair
 NYS Public Service Commission

18 -and-

Doreen Harris
 19 President & CEO
 NYSERDA

20 -and-

Houtan Moaveni
 21 Executive Director
 NYS Office of Renewable
 22 Energy Siting (ORES)

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3 LIST OF SPEAKERS, Part 1, Cont.

4 STATEMENT QUESTIONS

5 Ryan Madden
 Sustainability Organizer
 6 Long Island Progressive
 Coalition
 7 -and-
 Bill Nowak
 8 Executive Director
 New York Geothermal Energy
 9 Organization
 -and-
 10 Alex Beauchamp
 Northeast Regional Director
 11 Food & Water Watch
 -and-
 12 Richard Berkley
 Executive Director
 13 Public Utility Law Project
 of New York
 14 -and-
 Kim Fraczek
 15 Director
 Sane Energy Project 304 322
 16

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18 LIST OF SPEAKERS, Part 2

19 Basil Seggos
 Commissioner
 20 NYS Department of
 Environmental Conservation 364 372
 21
 Erik Kulleseid
 22 Commissioner
 NYS Office of Parks, Recreation
 23 and Historic Preservation 523 530

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5	Richard A. Ball Commissioner		
6	NYS Department of Agriculture and Markets	598	603
7	Erica Goodman		
8	New York Regional Director American Farmland Trust		
9	-and-		
10	Katie Baildon Policy Coordinator		
11	Northeast Organic Farming Association of New York (NOFA-NY)		
12	-and-		
13	Dr. François Elvinger Executive Director		
14	New York State Veterinary Diagnostic Laboratory		
15	Cornell University College of Veterinary Medicine		
16	-and-		
17	Libby Post Executive Director		
18	New York State Animal Protection Federation	679	693

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3 LIST OF SPEAKERS, Part 2, Cont.

4 STATEMENT QUESTIONS

5	Andy Bicking		
	Director, Government Relations		
6	and Public Policy		
	Scenic Hudson		
7	-and-		
	Kim J. Elliman		
8	President and CEO		
	Open Space Institute		
9	-and-		
	Kate Boicourt		
10	Director, Climate Resilient		
	Coasts & Watersheds, NY-NJ		
11	Environmental Defense Fund	700	711
12	Will Coté		
	Parks Program Director		
13	Parks & Trails New York		
	-and-		
14	Cathy Pedler		
	Director of Advocacy		
15	Adirondack Mountain Club		
	-and-		
16	Kevin Chlad		
	Director, Government Relations		
17	The Adirondack Council		
	-and-		
18	Katherine Nadeau		
	Deputy Director		
19	Catskill Mountainkeeper	723	737

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3 LIST OF SPEAKERS, Part 2, Cont.

4 STATEMENT QUESTIONS

5 Judith Enck
 President
 6 Beyond Plastics
 -and-
 7 Craig M. Cookson
 Senior Director, Plastics
 8 Sustainability
 American Chemical Council
 9 -and-
 Abigail Sztejn
 10 Director, Government Affairs
 American Forest & Paper
 11 Association
 -and-
 12 Anne Germain
 COO and Senior Vice President
 13 of Regulatory Affairs
 National Waste & Recycling
 14 Association (NY Chapter)
 -and-
 15 Ryan Castalia
 Executive Director
 16 Sure We Can 750 768

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3 LIST OF SPEAKERS, Part 2, Cont.

4 STATEMENT QUESTIONS

5 Bobbi Wilding
Executive Director
6 Clean and Healthy New York
-and-

7 John Bartow
Executive Director
8 Empire State Forest Products
Association

9 -and-
Kate Kurera
10 Deputy Director
Environmental Advocates NY

11 -and-
Liz Moran
12 New York Policy Advocate
Earthjustice

13 -and-
Jessica Ottney Mahar
14 Director, Policy and Strategy
The Nature Conservancy in
15 New York

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3 LIST OF SPEAKERS, Part 2, Cont.

4 STATEMENT QUESTIONS

5 Adrienne Esposito
Executive Director
6 Citizens Campaign for
the Environment
7 -and-
Meme Hanley
8 NY Senior Program Director
Land Trust Alliance
9 -and-
Emily Terrana
10 Director of Organizing and
Leadership Development
11 Clean Air Coalition of
Western New York
12 -and-
James E. Hanley
13 Senior Policy Analyst
Empire Center for Public Policy
14 -and-
Mark Dunlea
15 Chair
Green Education and
16 Legal Fund
-and-
17 Patrick McClellan
Policy Director
18 New York League of
Conservation Voters

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1 CHAIRWOMAN KRUEGER: Good morning,
2 everyone. My name is Liz Krueger. I am the
3 chair of Senate Finance.

4 Today I am joined by -- well, every
5 day in budget hearings I am joined by my
6 colleague from the Assembly, Helene
7 Weinstein, the chair of the Ways and Means
8 Committee.

9 And I just have lost my opening
10 statement, so one second, sorry.

11 Today's hearing is on environmental
12 conservation, and it's both energy and
13 environmental committees and agriculture and
14 parks, so we have quite a full hearing today.

15 And I will be letting everybody be
16 introduced as I go through the opening
17 statement, which I have found.

18 So this is the fourth day of budget
19 hearings out of a total of 13 budget
20 hearings. We take turns running the budget
21 hearings. This is the fifth hearing, excuse
22 me, of the 13 hearings; yesterday we had two
23 hearings. So the EnCon hearing is sponsored
24 by the Senate today.

1 I just want to quickly go over a
2 couple of the rules of the road. If you're
3 not speaking, please keep yourself on mute.
4 Inevitably somebody doesn't, and it gets very
5 confusing.

6 Second, the government representatives
7 will be getting 10 minutes to testify, then
8 the legislators will be able to ask
9 questions. As I just said, relevant
10 committee chairs get 10 minutes to ask
11 questions, ranking members get five, and all
12 other legislators get three minutes. And we
13 will go back and forth between the Senate and
14 Assembly until we complete any given
15 testifier's questions.

16 Yes, this will be a long hearing today
17 because there are so many critical issues,
18 and so I suspect we will be here till
19 evening.

20 Again, over the course of the day, if
21 you want to ask a question, please raise your
22 hand with the "raise hand" button on the
23 bottom of your screen, and we will be calling
24 on you. And then after you speak, if you

1 wouldn't mind take your hand down so we don't
2 get confused and call on you again.

3 So again, good morning. This is a
4 mandatory budget hearing, as required by the
5 Constitution and Legislative Law. This joint
6 hearing of the Finance Committee and Assembly
7 Ways and Means will hear testimony from the
8 Department of Environmental Conservation, the
9 Office of Renewable Energy Siting, the Office
10 of Parks, Recreation and Historic
11 Preservation, the Department of Agriculture
12 and Markets, the Public Service Commission
13 and New York State Energy Research and
14 Development Authority, also known as NYSERDA.

15 Following each testimony there will be
16 time for questions from relevant legislators.

17 I'm going to introduce my Senate
18 colleagues who are here, then hand it over to
19 Assemblymember Weinstein. In addition, my
20 ranker on Finance is Tom O'Mara, but I
21 believe he has to be late this morning, so
22 I'll also be introducing --

23 SENATOR O'MARA: Well, I'm on for now,
24 Liz. I'm on for a couple of minutes.

1 CHAIRWOMAN KRUEGER: Oh, excuse me. I
2 will let Tom introduce his own members since
3 he is here now. Thank you, Tom.

4 So just starting out with Senators who
5 are here: Brad Hoylman, Todd Kaminsky, chair
6 of EnCon, Michelle Hinchey -- seeing everyone
7 is always sort of a challenge for me.
8 There's so many hands up already. Senator
9 Anna Kaplan, Senator Pete Harckham,
10 Senator Pat Ritchie, who's I believe also the
11 ranker on EnCon. Oh, I wasn't supposed to
12 introduce her yet.

13 Senator John Mannion, Senator Rachel
14 May, Senator John Liu, Senator Diane Savino,
15 Senator Brian Kavanagh, Senator Andrew
16 Gounardes. Wow, people who stayed with us
17 all day yesterday are still back here this
18 morning.

19 I'm going to pass it to Tom O'Mara to
20 introduce the members of his caucus.

21 SENATOR O'MARA: Thank you,
22 Senator Krueger. Good morning.

23 We have on our side with us our ranker
24 on the Energy Committee, Senator Patty

1 Ritchie. And we have Senator Jim Tedisco
2 with us.

3 And others will be joining throughout
4 the day. Thank you.

5 CHAIRWOMAN KRUEGER: Great. And
6 Helene Weinstein, please introduce your
7 members.

8 CHAIRWOMAN WEINSTEIN: Yes. We have
9 Assemblyman Cusick, chair of our
10 Energy Committee. Assemblyman Anderson,
11 Assemblyman Bronson, Assemblyman Burdick,
12 Assemblyman Carroll, Assemblyman Conrad,
13 Assemblyman Epstein, Assemblywoman Fahy,
14 Assemblywoman Gonzalez-Rojas,
15 Assemblywoman Hunter, Assemblywoman Hyndman,
16 Assemblyman Jones, Assemblywoman Kelles,
17 Assemblywoman Lunsford, Assemblyman Otis,
18 Assemblyman Santabarbara,
19 Assemblywoman Seawright, Assemblyman Thiele,
20 Assemblywoman Woerner. And I do expect other
21 members to join us.

22 Assemblyman Ra, our ranker on Ways and
23 Means, can please introduce the members of
24 your conference.

1 ASSEMBLYMAN RA: Thank you. Good
2 morning.

3 We have Assemblyman Tague, who is our
4 ranker on Ag; Assemblyman Smullen, who is our
5 EnCon ranker; Assemblyman Palmesano, our
6 Energy ranker; and Assemblymembers Lemondes,
7 Durso, Simpson and Brown.

8 CHAIRWOMAN KRUEGER: Great.
9 Thank you.

10 And as more members join us over the
11 course of the hearing, we will try to make
12 sure to spot you and announce you at that
13 time.

14 With that, I would like to -- we're
15 not going to go to just the first testifier.
16 The three government testifiers have all
17 agreed they'd like to be on one panel, so
18 that we will let each of them speak for up to
19 10 minutes, summarizing the key points of
20 their testimony. And then when the three
21 have completed their testimony, we will open
22 it up to the panel for questions.

23 So we have, first, New York State
24 Public Service Commission Chair Rory

1 Christian. He will be followed by
2 Doreen Harris, president and CEO of NYSERDA,
3 then followed by Houtan Moaveni -- I'm sorry
4 if I just messed up your name -- who is the
5 executive director, New York State Office of
6 Renewable Energy Siting.

7 So let's start with Rory Christian.

8 Good morning.

9 PSC CHAIR CHRISTIAN: Good morning.

10 Thank you for having me today.

11 So good morning, Chair Krueger,
12 Chair Weinstein, and other distinguished
13 legislative members. My name is
14 Rory Christian, and I am the chief executive
15 officer of the Department of Public Service
16 and the chair of the Public Service
17 Commission.

18 The commission's regulatory
19 jurisdiction extends over New York's
20 investor-owned utilities, including six major
21 electric and gas utilities, five major
22 gas-only utilities, and two major water
23 companies. We have jurisdiction over small
24 telephone companies, hundreds of small water

1 companies, nearly 40 municipal utilities,
2 cable companies, power generators and energy
3 service companies.

4 The department -- the administrative
5 arm of the commission -- also provides
6 regulatory oversight of electric utility
7 operations on Long Island.

8 In fiscal year '22-'23 we are prepared
9 to take the next steps to implement the
10 nation-leading Climate Leadership and
11 Community Protection Act, the CLCPA, which
12 was recently passed by the Legislature in
13 2019. As the Climate Action Council
14 completes its work on the scoping plan on the
15 schedule required by the CLCPA, Governor
16 Hochul is moving in parallel to accelerate
17 some key actions we agree are necessary to
18 meet the CLCPA's ambitious emissions
19 reduction goals.

20 For example, Governor Hochul has
21 proposed to change the Building Code to
22 eliminate fossil fuel use in new construction
23 by 2027 and has proposed changes to the
24 Public Service Law that conform to the CLCPA,

1 including eliminating the requirement for
2 natural gas utilities to cover the costs for
3 the first 100 feet of supply line between a
4 natural gas main and the end user.

5 Governor Hochul also has set a target
6 to electrify, or make electrification-ready,
7 2 million buildings by 2030, and the Governor
8 is driving investments needed to accommodate
9 850,000 zero-emission vehicles on New York
10 roads by the end of 2025.

11 We will take complementary actions at
12 the commission, while also meeting our
13 statutory mandate to keep all utility systems
14 safe and reliable. We will continue to
15 review rate cases through the lens of the
16 CLCPA, so that we keep making progress in
17 achieving clean energy objectives without
18 disproportionately burdening disadvantaged
19 communities. We will evolve our policy
20 proceedings to more comprehensively address
21 the CLCPA requirements.

22 And we will continue to support the
23 electrification of transportation, through
24 the successful rollout of the groundbreaking

1 electric vehicle infrastructure program known
2 as EV Make-Ready, which will deploy more than
3 50,000 new public and commercial Level 2
4 charging ports across the state by 2025.

5 This year we will also commence a
6 proceeding to provide operating cost relief
7 mechanisms for fast-charging infrastructure.
8 And with that I want to thank Assemblyman
9 Cusick and Senator Kennedy for advancing the
10 underlying legislation.

11 Energy affordability remains a key
12 priority, especially as we recover from
13 COVID-19. The department is working with the
14 utilities and our state agency partners to
15 increase awareness of existing consumer
16 protections and utility bill payment
17 assistance programs to minimize service
18 disconnections.

19 The commission has made significant
20 improvements to the low-income energy bill
21 discount programs administered by the major
22 electric and gas utilities, most notably by
23 adding \$129 million to the program last year.
24 With that, we now dedicate more than

1 \$365 million per year to assist low-income
2 families with their utility bills.

3 This year we have also moved forward
4 with implementing new initiatives advanced by
5 the Legislature which are designed to improve
6 utility services and accountability. These
7 new initiatives include requiring utilities
8 to publicly report executive compensation;
9 implementing the new law to crackdown on
10 robocalls; analyzing the feasibility of
11 relocating underground all or most existing
12 above-ground utility lines; initiating a
13 proceeding that will address proposals made
14 by electric utilities to undertake projects
15 and programs related to storm-hardening and
16 resiliency; and making it easier and more
17 affordable for broadband providers to install
18 internet service on utility poles.

19 We will also complete our broadband
20 mapping initiative on time in the second
21 quarter. The mapping will support
22 Governor Hochul's ConnectALL initiative,
23 which, at \$1 billion, will be the
24 largest-ever investment in New York's digital

1 infrastructure.

2 In addition to making it easier for
3 internet providers to use utility poles and
4 completing our broadband mapping
5 initiative -- which will be used to pinpoint
6 where broadband investments need to be
7 made -- we are leading the effort to ensure
8 every eligible New Yorker can take advantage
9 of the federal government's \$14 billion
10 Affordability Program that supports an
11 up-to-\$30-per-month broadband subsidy for
12 low-income households.

13 We greatly appreciate the partnership
14 with many of your offices in consumer
15 outreach on these issues, including helping
16 to distribute our consumer survey for the
17 broadband map and informing your constituents
18 about the availability of the low-income
19 broadband discount.

20 To accomplish the many new and
21 important tasks before us, the Executive
22 Budget proposes to increase our staff by
23 37 full-time employees -- the largest
24 increase in eight years -- increasing our

1 workforce of 491 full-time employees. The
2 new personnel will focus on priority areas,
3 including CLCPA policy development,
4 resilience, utility oversight, and
5 enforcement. These employees will enhance
6 the work of advancing clean energy, driving
7 statewide economic growth, and creating jobs
8 in New York State.

9 Further, through positions like a
10 resident inspector at the Indian Point
11 decommissioning site, these employees will
12 help ensure the safety and reliability of our
13 regulated utility systems.

14 In sum, we are well-positioned to
15 deliver our core mission and meet the
16 Governor's ambitious agenda, and we are
17 grateful for the Legislature's support.

18 This concludes my remarks, and I
19 welcome your questions. Thank you.

20 CHAIRWOMAN KRUEGER: Thank you. And
21 we'll get to the questions after all three of
22 you testify.

23 Next, Doreen Harris.

24 NYSERDA PRESIDENT HARRIS: Good

1 morning, Chair Krueger, Chair Weinstein, and
2 members of the committees. Thank you for the
3 opportunity to testify before you today.

4 I am Doreen Harris, the president and
5 CEO of NYSERDA. I am pleased to appear here
6 today to discuss the many critical climate
7 and energy issues facing our state and
8 nation.

9 Under Governor Kathy Hochul's
10 leadership, and guided by the state's
11 landmark Climate Act, we have taken
12 significant steps forward in advancing
13 New York's nation-leading clean energy and
14 climate goals. I am highly optimistic as we
15 focus our work on realizing a more equitable
16 clean energy future and continue to build
17 momentum in growing our green economy, which
18 is a focus of national and global attention.

19 The Climate Act established the
20 Climate Action Council, which I cochair with
21 Department of Environmental Conservation
22 Commissioner Seggos. The council was charged
23 with developing a Draft Scoping Plan to
24 reduce economy-wide greenhouse gas emissions

1 and meet the state's clean energy goals,
2 while centering benefits to disadvantaged
3 communities.

4 I am happy to report several key
5 milestones were met in 2021 under the
6 council: The timely public release of the
7 Draft Scoping Plan on December 30, 2021.
8 Also released were the Disadvantaged
9 Communities Barriers and Opportunities Report
10 and the Just Transition Job Study.

11 As we look ahead, advances in wind,
12 solar, energy storage, energy-efficient
13 buildings and clean transportation will
14 provide new opportunities to fulfill
15 New York's ambitious clean energy and jobs
16 agenda.

17 I want to highlight some of the
18 initiatives that NYSERDA is undertaking and
19 the many areas in which we have realized
20 substantial process.

21 As outlined in Governor Hochul's
22 Executive Budget, our next offshore wind
23 solicitation will occur this year and will
24 include a new nation-leading \$500 million

1 investment to develop offshore wind port
2 infrastructure and supply chain and create
3 2,000 jobs.

4 Additionally, we finalized contracts
5 for the Empire Wind 2 and Beacon Wind
6 projects, putting us halfway to the Climate
7 Act's 9,000 megawatt offshore wind goal. The
8 federal Bureau of Ocean Energy Management, or
9 BOEM, announced this month the pending
10 auction of new lease areas needed for
11 additional offshore wind projects.

12 NYSERDA also finalized contracts with
13 Clean Path New York and Champlain Hudson
14 Power Express to deliver renewable power to
15 New York City. And if approved by the Public
16 Service Commission, these transmission
17 projects, when combined with the deployment
18 of clean energy and offshore wind, will
19 reduce New York City's fossil fuel use for
20 electricity by more than 80 percent in 2030.

21 As evidence of our progress, our
22 combined pipeline of operating, contracted
23 and awarded renewable energy projects is
24 expected to generate approximately 63 percent

1 of New York's projected 2030 electricity
2 demand.

3 Our NY-Sun program has helped make New
4 York a national leader in distributed solar.
5 In fact, 2021 was a record-setting year with
6 over 557 megawatts of projects completed. We
7 are well on our way to achieving 6 gigawatts
8 of distributed solar by 2025, and NYSERDA and
9 the Department of Public Service have now
10 proposed a framework for the state to achieve
11 at least 10 gigawatts by 2030.

12 Scaling up building efficiency is a
13 key priority for NYSERDA. The Governor, in
14 her State of the State, announced a
15 commitment to 2 million climate-friendly
16 homes, and this includes a plan to achieve a
17 minimum of 1 million electrified homes and up
18 to 1 million electrification-ready homes by
19 2030.

20 This is anchored by a robust series of
21 actions: Requiring zero on-site greenhouse
22 gas emissions for new construction by 2027,
23 upgrading appliance efficiency standards to
24 reduce energy use while saving billions on

1 utility bills, and requiring benchmarking for
2 large buildings to track energy efficiency.

3 To address healthy public school
4 buildings, Governor Hochul's Clean Green
5 Schools Initiative will benefit more than
6 1,000 underresourced public schools. With
7 additional funding provided through the bond
8 act, if approved by voters this year, the
9 Clean Green Schools Initiative will benefit
10 nearly 1 million students. The initiative
11 will help schools plan for and facilitate
12 clean energy and indoor air quality projects.

13 We are tackling emissions from the
14 transportation sector with the state's
15 \$1 billion investment that will grow access
16 to and availability of electric vehicles and
17 clean transit.

18 We are also building the green economy
19 workforce by providing career pathways that
20 place workers in clean energy jobs. We have
21 committed nearly \$120 million for workforce
22 development and training initiatives directly
23 targeting low-income individuals, veterans,
24 and disabled workers and helping integrate

1 these workers into the clean energy industry.

2 These efforts will help to train and
3 prepare more than 40,000 New Yorkers for
4 clean energy job opportunities and assist
5 businesses with hiring and training.

6 We are also integrating benefits and
7 program offerings. For example, all
8 large-scale renewable projects receiving
9 awards from NYSERDA will be required to meet
10 prevailing wage, and these renewable energy
11 investments will focus economic growth and
12 job creation in environmental justice areas
13 and disadvantaged communities.

14 As you can see, I am extraordinarily
15 proud of NYSERDA's leadership in advancing
16 clean energy and climate solutions on behalf
17 of the people of this great state. I take
18 great pride in the partnerships we have
19 forged with the Legislature as well as with
20 our sister agencies.

21 This concludes my opening remarks, and
22 I will now turn it back to Chair Krueger and
23 Chair Weinstein.

24 CHAIRWOMAN KRUEGER: Thank you very

1 much.

2 And next we're going to hear from the
3 executive director of the New York State
4 Office of Renewable Energy Siting. And I'm
5 going to ask you to pronounce your name so I
6 don't make a mistake again.

7 ORES EXEC. DIRECTOR MOAVENI: Good
8 morning, Chair Krueger, Chair Weinstein, and
9 members of the committees. Thank you for the
10 opportunity to testify before you today. My
11 name is Houtan Moaveni, and I am the
12 executive director of the Office of Renewable
13 Energy Siting.

14 ORES is a start-up agency which was
15 created in the early days of a global
16 pandemic. The challenges that pandemic posed
17 for many areas of New York State government
18 in terms of hiring and access to the office
19 space and the need to avoid in-person public
20 gatherings were also challenges that ORES
21 faced.

22 ORES at all times worked to overcome
23 these challenges to satisfy its legal
24 obligations and accomplish its mission. This

1 included, in the first year of the office's
2 existence, promulgating the regulations
3 required by Executive Law 94-c.

4 The new office began accepting and
5 processing siting permit applications,
6 including transfers from existing Public
7 Service Law Article 10 applications from the
8 day that the office was created, pursuant to
9 Executive Law 94-c. To date, the office has
10 issued four final siting permits, while
11 ensuring the protection of the environment
12 and consideration of all pertaining social,
13 economic and environmental factors with input
14 from local government and host communities.

15 The office's decisions follow a
16 detailed review and robust public
17 participation process to ensure that its
18 facilities meet or exceed the requirements of
19 Section 94-c of the Executive Law and its
20 implementing regulations.

21 While we are early in the Executive
22 Law 94-c process, the progress that we are
23 seeing indicates that the Office of Renewable
24 Energy Siting and the new process is

1 meaningfully advancing New York State toward
2 its nation-leading energy goals in a timely
3 and cost-effective manner.

4 By a point of reference, in the
5 11 years of Article 10 existence, only
6 16 projects have been certified and only one
7 project is in operation. The average length
8 of time for issuance of a certificate under
9 Article 10 has been approximately three and a
10 half years.

11 I once again wish to acknowledge my
12 outstanding colleagues at ORES, DEC, DPS,
13 Office of Parks, and Ag & Markets for their
14 tireless efforts and dedication to the
15 state's renewable energy mission during 2021.
16 We look forward to continuing to work hand in
17 hand with all stakeholders as the pipeline of
18 63 proposed siting permit applications are
19 developed and constructed. These facilities
20 are vital to meet the Climate Leadership and
21 Community Protection Act's carbon reduction
22 and clean energy targets to combat climate
23 change.

24 Again, thank you so much for this

1 opportunity. This concludes my initial
2 remarks. I look forward to your questions.

3 CHAIRWOMAN KRUEGER: Thank you very
4 much.

5 All right. So because we took the
6 three government reps as a panel -- and I'm
7 trying to make sure that everybody with their
8 hands up gets a fair chance to ask any or all
9 of them questions -- clock timer person,
10 listen carefully.

11 I'm going to give chairs 15 minutes in
12 total to ask questions of any or all three.
13 I'm giving the rankers 10 minutes in total to
14 ask any or all three. And then other
15 Senators, I'm giving you up to six minutes to
16 ask any or all three.

17 I still think we come out ahead if we
18 did each of them separately and made you
19 raise your hands three times for this panel.
20 So let's see if we can pull this off.

21 I'm going to start with Senator Kevin
22 Parker, the chair of Energy. Are you there,
23 Kevin?

24 SENATOR PARKER: I am. Good

1 morning --

2 CHAIRWOMAN KRUEGER: Good morning.

3 SENATOR PARKER: -- Madam Chairs and
4 colleagues. Thank you for this -- members of
5 the panel, thank you for this important
6 conversation. I think there's a lot for us
7 to talk about.

8 But to be quick about it, let me ask a
9 quick question from Ms. Harris at NYSERDA.
10 And I particularly wanted to get some
11 information about Tier 2.

12 I passed the legislation last year,
13 the Governor vetoed the program. And the
14 first RFP resulted in about 13 megawatts, and
15 the last RFP resulted in zero. So I wanted
16 to kind of see where we were with this Tier 2
17 program.

18 NYSERDA PRESIDENT HARRIS: Well, good
19 morning, Senator. And thank you for the
20 question regarding Tier 2.

21 So indeed the Tier 2 program was
22 initiated by NYSERDA and the Department of
23 Public Service through a request from the
24 Governor. And it was intended specifically

1 to help retain existing renewables here in
2 New York State. I would say generally it is
3 critical that we maintain our baseline of
4 renewables toward the achievement of our
5 goals for sure, and the program was designed
6 with that in mind.

7 I am pleased to report specifically
8 that this program has worked, coupled with
9 buying through Community Choice Aggregation,
10 electricity suppliers and private buyers,
11 which are collectively supporting about
12 60 percent of these resources now.

13 So I believe generally that our Tier 2
14 program is working in concert with what has
15 become a robust market interest in these
16 resources, which has not only increased the
17 scale, as I indicated, of interest, but also
18 the price. These assets are paid more than
19 tenfold the amount for the renewable energy
20 attributes than they were paid just a few
21 years ago.

22 So generally I believe a combination
23 of voluntary interest, regulatory
24 requirements and our purchasing combined to

1 make an effective program together to support
2 these assets.

3 We may need to make small changes to
4 the Tier 2 program as we move forward, and we
5 are certainly committed to doing so.

6 SENATOR PARKER: Thank you very much.

7 My next question is going to be for
8 Rory Christian. And it's really -- there's
9 actually two parts.

10 The first deals with the issue of
11 hydrogen, and where are we in terms of
12 understanding what we need in order to have
13 hydrogen as a viable source for energy --
14 clean energy production in the State of
15 New York?

16 The second question I have -- well,
17 let's ask that one first. Thank you.

18 PSC CHAIR CHRISTIAN: Thank you,
19 Senator Parker.

20 So the question of hydrogen as a
21 viable source is being considered and
22 discussed throughout the Climate Advisory
23 Council process. That's probably where the
24 greatest amount of discussion is happening

1 within the state at this moment.

2 In terms of application and
3 feasibility, the utilities in the state are
4 engaging in a number of pilots. I can't
5 speak to the details of those pilots right
6 now, but I know National Grid and NFG are
7 each independently participating in a variety
8 of efforts to determine the feasibility of
9 hydrogen in end-use applications, everything
10 from heating, cooking, and everything in
11 between.

12 So those things are being determined,
13 they're being investigated, and the results
14 of those investigations will feed into what
15 options we have available for using hydrogen
16 in the future as a clean energy option.

17 SENATOR PARKER: Thank you.

18 So as a result of the CLCPA, kind of
19 an unintended consequence, is that we kind of
20 made peaker plants, you know, uneconomically
21 viable in the state. We then had a number of
22 cryptocurrency mining operations come in,
23 purchase these peaker plants and start
24 running them 24 hours a day, seven days a

1 week in order to run their cryptocurrency
2 mining projects.

3 And it seems to me that the
4 operation -- not the cryptocurrency
5 themselves, which I'm for crypto mining, I'm
6 for cryptocurrency in the state. But it has
7 to be, you know, in my mind, done both in
8 kind of consistent policies with the CLCPA
9 and our sustainable energy goals.

10 What is the PSC doing in order to stop
11 these peaker plants from running 24 hours a
12 day, seven days a week, and adding more to
13 the climate damage that the State of New York
14 has been doing?

15 PSC CHAIR CHRISTIAN: Thank you,
16 Senator. I'm going to try to parse that out.
17 I know you talked about crypto in your
18 question. I just want to be clear, it's
19 focused specifically on peakers independent
20 of the crypto?

21 SENATOR PARKER: Well, I'm just
22 talking about the mining operations and the
23 amount of energy they use. I mean, my
24 biggest concern is not how much they're using

1 as much as the way that they're producing
2 that energy in a nonsustainable way and in a
3 way that I believe is counter to what we have
4 intended with the passing of the CLCPA.

5 PSC CHAIR CHRISTIAN: Got it, okay.
6 So I'll do my best to answer that question.
7 There's a lot in there. But first I want to
8 start by discussing crypto itself,
9 crypto mining.

10 The Public Service Commission does not
11 regulate crypto mining in the state. Our
12 regulation with respect to crypto mining at
13 most would extend to the plants themselves
14 and their operation. So I just want to flag
15 that.

16 Now, I believe what you're referring
17 to -- you may be referring to the DEC's
18 peaker rule, which was recently passed,
19 asking existing fossil-fuel-based capacity in
20 the city to retire by a certain date.

21 SENATOR PARKER: Yes.

22 PSC CHAIR CHRISTIAN: Okay. So in
23 terms of that, what I can speak to that is I
24 know there is a process underway to determine

1 what can be retired in a responsible manner
2 to ensure that we meet the requirements and
3 our obligations as a commission. And again,
4 reliability, safety, affordability and
5 environmental considerations are the four
6 pillars of our priorities.

7 So I know, for the time being, this
8 effort is underway. It's complicated
9 specifically because of the uniqueness of
10 New York City. As I'm sure you all know,
11 New York City is a load pocket with very
12 significant needs, and it has certain
13 requirements for in-city generation that must
14 be met. So the commission is considering all
15 options available. We're investigating what
16 options are viable that maintain those four
17 pillars I mentioned earlier: Affordability,
18 reliability, safety and environmental
19 considerations.

20 So these are all being looked at and
21 investigated as we speak.

22 SENATOR PARKER: Okay. And so
23 although I guess in your first answer you're
24 kind of punting on the idea of crypto -- but

1 I'm happy to have that conversation with you
2 offline to discuss further.

3 SENATOR PARKER: Thank you, Mr. Chair.

4 And then just kind of a broader
5 question around the CLCPA now that we've
6 actually passed the legislation, the
7 workgroups have put in, you know, their first
8 reports.

9 What's your sense about how do we pay
10 for -- like, you know, what the cost
11 of the -- you know, of actually implementing
12 the CLCPA, and what's your thoughts about how
13 we should be paying for that?

14 NYSERDA PRESIDENT HARRIS: Yes, thank
15 you, Senator.

16 So certainly the question of how to
17 pay for the Climate Act objectives is one
18 that has been central not only to our work in
19 delivering the Draft Scoping Plan on time at
20 the end of last year, but specifically as we
21 pivot now into the public comment period
22 associated with that plan, and notably in the
23 development of the final scoping plan.

24 We now have a clear direction and a

1 directive as to what it will take to achieve
2 these objectives. And we also know that the
3 benefits of achieving those objectives will
4 far outweigh the costs. So I see that all in
5 a very positive light.

6 When we look at the very specific
7 costs associated with the Climate Act's
8 achievement, it is likely true that it will
9 be achieved through multiple means, both --
10 of course -- through programs like those that
11 we're operating today, but also through an
12 abundance of federal support, private market
13 intervention, and I would say private market
14 purchasing as well.

15 So the answer is going to depend on
16 the specific initiative. But what we do know
17 is that all of these considerations will be
18 advanced in as robust a manner as they are
19 today, as we consider various programs and
20 policies to achieve those objectives.

21 SENATOR PARKER: Best no-answer in the
22 history of this committee. But thank you.

23 I mean, do we have any sense of like
24 what a rough number is of what we might need

1 to use yearly? Just short.

2 NYSERDA PRESIDENT HARRIS: Well,
3 certainly when we look at costs versus
4 benefits as part of the Climate Act's
5 objectives, we're looking at the order of
6 hundreds of millions of dollars of costs and
7 hundreds of -- sorry, I'm getting myself
8 turned around. Billions, sorry. My units
9 are off.

10 Hundreds of billions of dollars of
11 costs, but hundreds of billions of dollars of
12 benefits.

13 So when we look at that generally,
14 Senator, that is a very small percentage of
15 our gross state product, on the order of like
16 1 percent or thereabouts. So really when
17 we're thinking about our investments, it's
18 really looking at spending those billions in
19 a different way.

20 One really interesting thing I learned
21 is a good number -- a good amount of our
22 energy spending now is actually directed out
23 of our state. So one major finding was that
24 we really have an opportunity to spend those

1 hundreds of billions of dollars within our
2 state to invest in jobs and our energy
3 future.

4 SENATOR PARKER: So what things can
5 the Legislature be doing in order to direct
6 our energy assets inward to the state, as
7 opposed to our energy going out of the state?

8 NYSERDA PRESIDENT HARRIS: So it
9 literally is an opportunity of -- what I
10 would say an opportunity of our generation,
11 Senator, to create literally hundreds of
12 thousands of jobs associated with those, as I
13 said, hundreds of billions of dollars of
14 investment.

15 And really when I think about the role
16 that we can be playing together with you as
17 the Legislature, it really is a goal of ours
18 to bring forth not only the workforce that is
19 ready to serve that industry but also the
20 economic development opportunities that will
21 come with it.

22 We're already seeing investments in
23 our state. A great example was an investment
24 in Western New York recently in EV battery

1 manufacturing. We need to work together to
2 bring those investments here and to have the
3 workforce ready to serve those industries.

4 SENATOR PARKER: Okay, thank you.

5 NYSERDA PRESIDENT HARRIS: Thank you.

6 SENATOR PARKER: I yield the rest of
7 my time, Madam Chair.

8 CHAIRWOMAN KRUEGER: Thank you.

9 And we will appreciate each person who
10 might yield their time.

11 Helene Weinstein.

12 CHAIRWOMAN WEINSTEIN: Before we go to
13 questions, we've been joined since we began
14 with Assemblymember Barrett, Assemblymember
15 Mamdani, and Assemblymember Buttenschon.

16 And we go to Assemblyman Cusick, chair
17 of our Energy Committee, 15 minutes.

18 SENATOR KAMINSKY: Mike, you're muted.

19 ASSEMBLYMAN CUSICK: Thank you, Todd.
20 Thank you, Madam Chair. Thank you, Chair
21 Krueger.

22 The 15 minutes could be a blessing in
23 the sense that I think Senator Parker has
24 asked all the questions that many of us

1 probably would have, but I will piggyback on
2 some of these.

3 Generally I'd like to ask our
4 panelists -- I want to just follow up on the
5 question of the cost going forward with the
6 Climate Action Plan, and to ask -- maybe this
7 is a NYSERDA question or a general
8 question -- has there been an analysis or is
9 there an analysis being done as we speak with
10 the Climate Action Council on costs to
11 ratepayers as we go forward? Because that is
12 a big question that many of us get in our
13 districts.

14 NYSERDA PRESIDENT HARRIS: Certainly,
15 Assemblymember. Thanks for the question.
16 And I'll try to build on the answer I had
17 just provided to the Senator.

18 So -- so the reality is that not all
19 of these costs will be borne by ratepayers in
20 the state. When we think about the future of
21 what we need to achieve, it's really going to
22 be a mix of not only funding sources but also
23 policy levers that will help to achieve the
24 goals of the Climate Act.

1 A great example would be this year's
2 proposal by the Governor to electrify or make
3 electrification-ready 2 million buildings.
4 That comes with a robust legislative agenda.
5 And so that isn't a cost necessarily that
6 will be borne by ratepayers but rather be the
7 product of codes, appliance standards, and
8 other efficiency measures.

9 But in the instance that there are
10 costs to be borne by ratepayers, what we all
11 know is that any of those costs would be
12 considered with the same scrutiny that we see
13 now.

14 As -- a great example is the filing
15 that is before the commission now I
16 referenced with respect to the
17 Champlain Hudson Power Express and the
18 Clean Path New York projects, where it is
19 literally a significant document looking at
20 ratepayer impacts across classes, across time
21 and across geography. That's really how
22 we'll be thinking about each of these
23 programs, with that same scrutiny, should
24 those costs be proposed to be borne by

1 ratepayers.

2 ASSEMBLYMAN CUSICK: Okay. And again,
3 I appreciate your answer.

4 And I would just ask that as the
5 council moves forward with its work that
6 there is a concern about energy affordability
7 for ratepayers and for our constituents. If
8 at some point as the council is going forward
9 that something more specific maybe could be
10 worked out, that people will have an idea --
11 you know, maybe not a specific idea, but a
12 ballpark idea how this is going to affect
13 them in paying their bills -- I know that
14 many people now, it's a big percentage of
15 their budget, their home budget and going
16 forward.

17 And folks want to generally meet these
18 renewable goals that we have set, but the
19 concern I do hear and many of my colleagues
20 hear is, How is it going to affect my wallet
21 and my family as we go forward? So I
22 appreciate that, President Harris.

23 I'll stick with NYSERDA right now.
24 I'm just -- I lost the president here. But

1 going -- let's see. President Harris, with
2 the federal funding that we're getting, do we
3 expect to have the involvement with the
4 distribution of federal funds for the
5 deployment of electric vehicle charging
6 stations?

7 NYSERDA PRESIDENT HARRIS: Certainly,
8 Assemblymember. Can you hear me? You said
9 you'd lost me.

10 ASSEMBLYMAN CUSICK: Yeah, you're
11 back. You're back there, yeah.

12 NYSERDA PRESIDENT HARRIS: Oh, good.
13 Yes, certainly --

14 ASSEMBLYMAN CUSICK: I had a big
15 picture of Senator Kavanagh there on my
16 screen, so I'm glad to see you. So --

17 SENATOR KAVANAGH: That can be
18 distracting.

19 (Laughter.)

20 ASSEMBLYMAN CUSICK: Yes. Yes. Yes.

21 NYSERDA PRESIDENT HARRIS: Well, thank
22 you for the question.

23 And when we focus our efforts for
24 2022, it is very much through this lens of

1 what I would say is a unique and critical
2 opportunity to leverage federal investments
3 in pursuit of the Climate Act goals. And
4 certainly electric vehicle charging
5 infrastructure is among them for sure.

6 We are working already with the
7 Department of Transportation specifically
8 around the formula program that we anticipate
9 moving forward under the Infrastructure
10 Investment and Jobs Act. It is a massive
11 amount of investment that we see potentially
12 moving forward, around \$175 million total,
13 that is going to be hugely critical in
14 achieving specifically the penetration of
15 charging infrastructure that we need to
16 electrify our vehicles across the state.

17 So I would say that is one of our
18 primary focuses, among others, in our
19 engagement from the federal government.

20 ASSEMBLYMAN CUSICK: Are there any
21 actions being taken now to facilitate the
22 deployment of the fast charging stations? Is
23 there any specifics you could fill us in on
24 that maybe is happening right now?

1 NYSERDA PRESIDENT HARRIS: Oh,
2 certainly.

3 We have -- we have collectively, first
4 of all, contributed to a record increase in
5 the number of electric vehicles sold in 2021.
6 The number I had been told at the end of '21
7 was about 90,000 EVs on the road as of the
8 end of the year. And we are at about 9,000
9 charging stations across the state, just to
10 give you some idea of scale.

11 And so when we look into the future,
12 it's really all about expanding on that scale
13 that we have achieved and really need to
14 achieve moving forward. And that is going to
15 be the product of a number of different
16 initiatives that we have underway, both at
17 NYSERDA and then across other agencies as
18 well.

19 Collectively, we need to get to about
20 50,000 charging stations in the state by
21 2025, but we believe between NYSERDA, the
22 Public Service Commission's EV Make-Ready
23 program, NYPA programs, tax credits, and I
24 said federal funding, we feel confident that

1 we will be able to hit those goals.

2 ASSEMBLYMAN CUSICK: Thank you. Thank
3 you. I'll switch over to the PSC right now.

4 Just basically on that same topic,
5 Chair Christian, you know, as was mentioned I
6 believe in your testimony, last year we
7 passed a bill that requires the commission to
8 undertake a proceeding to facilitate the
9 development of the fast-charging stations.

10 What is the status of those
11 proceedings, Chair?

12 PSC CHAIR CHRISTIAN: Okay. So I
13 think you're referring to the Make-Ready
14 initiative?

15 ASSEMBLYMAN CUSICK: Yes.

16 PSC CHAIR CHRISTIAN: Okay, great.
17 Just wanted to be clear.

18 So the PSC announced the Make-Ready
19 initiative I want to say 2020, July 2020, and
20 that established the 50,000 charging station
21 target by 2025. The goal of the program was
22 to stimulate I want to say \$1.5 billion in
23 investment to electrify transportation
24 throughout the state. With renewables

1 representing a greater portion of the state's
2 electrical supply, having EVs available was a
3 good way to balance that and leverage that
4 growth. There are synergies associated with
5 it too.

6 So the idea, through this program, is
7 through thoughtful siting and charging
8 infrastructure we can support reducing
9 installation costs, improve the site -- the
10 acceptance of the sites, the hosting of the
11 sites, and maximize use for drivers.
12 Essentially place the chargers where they'll
13 be used the most.

14 So the program itself is funded by
15 investor-owned utilities in the state, and
16 they create a cost-sharing program that
17 incentivizes the utilities and the charging
18 station developers to site that
19 infrastructure in places that will provide
20 the greatest benefit. So the order that we
21 passed has a funding cap of roughly I want to
22 say \$700 million for the program to run
23 through 2025, and of that 700 million roughly
24 200 -- a little over 200 million is allocated

1 towards equitable access, ensuring that the
2 benefits are achieved in disadvantaged
3 communities.

4 Disadvantaged communities are also
5 going to be eligible for a higher incentive
6 level. They could ultimately get charging
7 stations installed where the cost is fully
8 covered.

9 So again, the goal of the program is
10 to encourage private investment in publicly
11 accessible fast-charging stations, with the
12 goal of stimulating the EV market in New York
13 State over the next few years. And again,
14 the work is going to be done primarily by the
15 state's investor-owned utilities. And again,
16 it will run till 2021 {sic}. I believe a
17 similar Make-Ready program, after the IOU
18 program I just discussed, was also presented
19 in the LIPA board meeting in December 2021.

20 ASSEMBLYMAN CUSICK: Great. Well,
21 thank you. Thank you, Chair, for that. It's
22 very helpful for us in the Legislature.

23 I want to -- I don't want to leave out
24 our panelist from ORES, so I'd like to ask

1 some questions to ORES. Executive Director,
2 I just want to ask: How many people work for
3 ORES currently?

4 ORES EXEC. DIRECTOR MOAVENI: Thanks
5 for the question.

6 Since the early days of ORES's
7 existence, we have pursued two strategies.
8 Strategy number one, we formed a transition
9 team consisting of staff from multiple state
10 agencies, primarily from DPS, DEC, Ag &
11 Markets and Office of Parks, while we're
12 pursuing our second strategy on a parallel
13 path, which was recruiting and hiring
14 permanent legal and technical staff at ORES.

15 So currently ORES, as I mentioned, has
16 a team that -- credited a team. We have met
17 all our statutory and regulatory deadlines
18 and milestones for a pipeline of 63 projects.
19 Currently ORES has 11 full-time employees.

20 ASSEMBLYMAN CUSICK: And does that
21 handle all the permits that are coming across
22 your desks? I mean, is there -- I'm sure
23 asking this question to a head of an agency,
24 do you need more staff, the obvious answer is

1 yes.

2 But the question really is, is the
3 permitting being handled efficiently now with
4 the number that you have?

5 ORES EXEC. DIRECTOR MOAVENI:

6 Absolutely, yes. We have -- based on our
7 available resources, we have managed the
8 current workload and we anticipate to be able
9 to manage the anticipated workload in the
10 next fiscal year as well.

11 ASSEMBLYMAN CUSICK: Okay. And when
12 we were forming this in the Legislature, and
13 the process for the siting, there were
14 concerns. And we're still hearing -- as
15 chair, I'm still hearing concerns from
16 members. There's a lot of concern that ORES
17 will take viable agricultural land and
18 override local concerns.

19 Is that happening, to your knowledge,
20 at this point?

21 ORES EXEC. DIRECTOR MOAVENI: This
22 topic is very near and dear to my heart. We
23 certainly recognize preserving our most
24 productive farmland in New York State,

1 consistent with the New York State
2 Constitution. And the office position is
3 that both renewable energy projects and
4 agriculture and farmland can coexist and can
5 and should maintain financial viability.

6 There is a balancing act on all
7 renewable energy development, including solar
8 and wind. We have developed a comprehensive
9 set of regulations, in consultation with my
10 colleagues from Ag & Markets. We strongly
11 believe that the regulatory framework would
12 allow us to consider potential impacts to
13 farmland and come up with appropriate
14 measures to avoid, minimize or mitigate such
15 impacts to the maximum extent practicable.

16 ASSEMBLYMAN CUSICK: Appreciate that.

17 I didn't realize how fast this time
18 goes, so I just quickly want to ask, how many
19 sites have been fully processed at this
20 point?

21 ORES EXEC. DIRECTOR MOAVENI: So we
22 have issued, to date, only four final permits
23 with -- again, just going back to the
24 previous question, three out of four are

1 solar projects, and those -- they have de
2 minimis impacts to farmland. So --

3 ASSEMBLYMAN CUSICK: How many are
4 currently in the pipeline, would you say?

5 It's --

6 ORES EXEC. DIRECTOR MOAVENI:

7 Sixty-three.

8 ASSEMBLYMAN CUSICK: -- that are
9 done. How many?

10 ORES EXEC. DIRECTOR MOAVENI:

11 Sixty-three.

12 ASSEMBLYMAN CUSICK: Okay. Well,
13 thank you. Thank you for answering the
14 questions.

15 And even though it's less than a
16 minute, I yield the rest of my time.

17 CHAIRWOMAN WEINSTEIN: Back to the
18 Senate.

19 CHAIRWOMAN KRUEGER: Thank you so
20 much, Assemblymember Cusick. Appreciate the
21 time.

22 Next, to Senator Todd Kaminsky, chair.

23 SENATOR KAMINSKY: Thank you very
24 much. My first question is going to be for

1 Chair Christian.

2 In light of the Texas catastrophe last
3 year, as well as a very interesting
4 Boston Globe story last week about
5 New England systems operators getting
6 together concerned about reliability,
7 Mr. Christian, are you able to just give us a
8 a very blunt statement about where you think
9 our grid reliability is right now?

10 How concerned are you, and how
11 confident are you that we're not going to
12 have a rolling blackout situation if there's
13 a snap of cold weather or something similar?

14 PSC CHAIR CHRISTIAN: Blunt statement.
15 Well, let me think for a second here.

16 What I can tell you is having lived
17 through the Northeast Blackout in the early
18 2000s, Katrina, Sandy and a number of other
19 events, I can say without hesitation that
20 New York's grid today is at the strongest
21 it's been in a generation.

22 The investments that we have made
23 here, the investments the utilities have made
24 in New York State to reinforce the grid and

1 improve its reliability are, in my opinion,
2 second to none. We have some of the highest
3 reliability metrics as recorded by the
4 industry. And if the indication for the most
5 recent storm is any indication of what we can
6 expect in the future, outages are addressed
7 quickly and with intent, with deliberate
8 intent.

9 So I can say maybe not bluntly, but
10 definitely with certainty that the grid is
11 better today than it was in the past.

12 SENATOR KAMINSKY: Thank you. As you
13 consider taking peakers offline -- so, for
14 example, I have the Barrett peaker in my
15 district -- how are you going to go about
16 making those decisions? When will we get a
17 roadmap of when we expect to have more
18 renewables, less peakers?

19 And I hope in those considerations
20 you're also taking into account the
21 populations of the people who have lived
22 there and are certainly going to be losing a
23 large amount of tax income and have been
24 polluted on for a long time and then all of a

1 sudden it goes away -- which is good for the
2 air, but may cause other collateral issues.

3 So I just want to get a sense of how
4 we should be expecting that in New York over
5 the next few years and when we'll get a sense
6 of what will happen when.

7 PSC CHAIR CHRISTIAN: Okay. So in
8 terms of the peakers themselves, you know,
9 when I think of the peakers, I don't look at
10 them in isolation, I look at them as a single
11 part of the grid as it is today.

12 And I think of the investments that
13 are being made through Governor Hochul's
14 efforts to modernize the grid, but also
15 through the CLCPA and other initiatives,
16 they're all about creating the grid of
17 tomorrow. And the challenge with the grid of
18 tomorrow, which is not here yet, and we're
19 not entirely sure how it's going to take
20 place, it's hard to make predictions as to
21 what form and shape that will take.

22 Ultimately we at the commission have
23 to, as I've said before, stand by our main
24 pillars -- again, reliability, safety,

1 affordability and environmental
2 considerations. And so those are going to be
3 the guiding principles about how decisions
4 will be made in the future.

5 Specific to peakers, I can't answer
6 that question yet. And, you know, the main
7 reason I can't answer that question yet is
8 though we have a fairly good idea of our
9 ability to hit the 2030 targets that we have
10 set, others have -- there's a number of
11 reports that raise questions as to our
12 ability to hit the 2050 targets and what
13 technology and how it will be deployed to
14 meet those targets.

15 So to the degree we can lower
16 emissions, we'll do whatever we can to make
17 that happen. To the degree that we can
18 address lost tax revenue, I think we have a
19 fairly robust model for that already in the
20 state, and I believe what we're doing through
21 the Indian Point decommissioning could serve
22 as a template for further decommissionings
23 should they arise.

24 But ultimately the timeline and the

1 pathway have not yet been fully defined. But
2 as they are defined, again, they'll be in
3 line with the commission's guiding principles
4 and guidelines.

5 SENATOR KAMINSKY: Thank you,
6 Mr. Christian.

7 Just to be clear, you know, there is
8 not yet -- I mean, there is a template for
9 Indian Point, but there is no conversations
10 going on with local school districts.
11 Senators Skoufis, Gaughran and myself, we all
12 have peakers that are going to be losing half
13 the schools' revenue over the next few years.
14 In light of LIPA and other tax challenges, we
15 obviously don't expect them to be peakers
16 much longer either.

17 But there's no one telling anything to
18 those school districts, and they're either
19 planning for massive tax increases or to
20 shutter. So I'd love to continue that
21 conversation with you in the future.

22 To switch gears very quickly, your
23 commission has worked very closely with us on
24 the American Water issue. Nassau residents

1 have been paying exorbitant prices for water.
2 Quick question for you: Have you heard from
3 anyone from the Town of Hempstead about the
4 South Shore Water Authority or any
5 Long Island localities about municipalization
6 of American Water's territory?

7 PSC CHAIR CHRISTIAN: So the specific
8 question, have I heard from anyone in
9 Hempstead, I do not believe I've heard from
10 anyone directly in Hempstead about the
11 municipalization of New York American Water.

12 I can speak to the provisions in the
13 order allowing for a study to investigate
14 municipalization, but aside from that I've
15 not had any direct conversations at this
16 time.

17 SENATOR KAMINSKY: Okay, obviously
18 I'll let you run your commission as you see
19 fit. But it might be worthwhile to reach out
20 to them.

21 You know, we established and the
22 Governor signed the ability to create a water
23 authority that could take over this, you
24 know, private entity that's really been

1 hurting our constituents. And if the Town of
2 Hempstead is not going to do anything about
3 it, it might be worthwhile for you to check
4 in to say: You realize you have this
5 ability. Do you plan on using it? What do
6 you need from us to help you?

7 The idea that this is just sitting
8 there and no one's doing anything about it I
9 think drives constituents crazy.

10 I'm going to now turn to Chair Harris.
11 On a level of 1 to 10, 10 being the most
12 confident, how confident are you that we are
13 going to reach 70 by 2030?

14 NYSERDA PRESIDENT HARRIS: Oh, I would
15 give that a near 10, Senator.

16 And I'll tell you, it is on the basis
17 of the pipeline of projects that I see moving
18 forward expeditiously, as well as the private
19 market response that we've had to the
20 certainty that we've provided with respect to
21 our goals.

22 I had mentioned in my opening
23 testimony that when we add all of the
24 projects that we have contracted and under

1 development as a state, we will be at
2 63 percent by 2030. And we see a future
3 where we see even more offshore wind and
4 other renewables being brought to bear toward
5 that 2030 goal, including our 2022 offshore
6 wind procurement.

7 SENATOR KAMINSKY: I don't think --

8 NYSERDA PRESIDENT HARRIS: So the
9 state -- sorry.

10 SENATOR KAMINSKY: I don't think
11 "pipeline" is the word you want to use. But
12 I know what you mean.

13 (Laughter.)

14 NYSERDA PRESIDENT HARRIS: Well,
15 hopefully a different version of the
16 definition. But yes.

17 SENATOR KAMINSKY: I know that "green
18 hydrogen" is one of the things being debated
19 in the Climate Action Council, but it seems
20 that the Governor has taken a strong stand on
21 the side of trying to give it a go in light
22 of what's in the budget, trying to be a Green
23 Energy Hub seen through the eyes of the
24 federal government.

1 You agree that we should do everything
2 we can to explore to see if green hydrogen
3 has a place in our economy trying to reach
4 the goals that are ambitious in the CLCPA?

5 NYSERDA PRESIDENT HARRIS: Absolutely.
6 The Governor's State of the State proposal to
7 participate in and win one of the Green
8 Hydrogen Hubs offered by the federal
9 government is an example of that commitment.

10 Just to give you an order of
11 magnitude, that is an 8 to 10 billion dollar
12 commitment by the federal government. We as
13 a state not only have the preconditions, I
14 believe, to not only advance a hub in
15 New York, but also to really think about
16 hydrogen and specifically green hydrogen as a
17 resource that can be brought to bear to help
18 us with some of these tough-to-decarbonize
19 sectors across our economy, as well as the
20 innovation needed to really bring solutions
21 forward to address some of your earlier
22 questions around reliability.

23 So we're excited and believe the time
24 is right to not only advance the work we have

1 underway, but also in concert with the
2 federal government.

3 SENATOR KAMINSKY: Can you flesh out
4 some of the details in the Governor's budget
5 about the electric school bus mandate by -- I
6 think it's 2035? School districts and
7 operators are asking me where is the money
8 coming to do this, how is this going to
9 happen, how soon. Are there any other
10 details you could provide for us about that
11 exciting mandate?

12 NYSERDA PRESIDENT HARRIS: Certainly.
13 It is exciting, because when we think about
14 our Clean Green Schools initiative that I had
15 described in my opening testimony, it is also
16 the case that we see a need to electrify
17 transportation in the form of buses as well.

18 So we've already, through our truck
19 voucher incentive program, brought forward
20 rebates for electric trucks and buses, but
21 when we think about school buses, it is the
22 case that they are unique -- unique not only
23 as to the opportunity but also the
24 challenges.

1 So when we think about it, we see a
2 very significant investment from the federal
3 government, first of all, that we intend to
4 leverage toward the achievement of this goal.
5 As I had answered earlier, there's a big
6 investment from the federal government. But
7 also we see opportunities through this Clean
8 Green Schools initiative to advance
9 additional investments as well as a
10 fundamental shift as to how these buses are
11 purchased and amortized over time.

12 It's going to require a few changes,
13 but I would say one that is not only
14 necessary but a huge health benefit
15 opportunity for our students as well.

16 SENATOR KAMINSKY: That's great. I'm
17 going to -- Doreen, I may come right back to
18 you.

19 Mr. Moaveni, some questions for you.

20 There has been some consternation from
21 some renewable energy developers watching
22 your office move, especially in light of the
23 Heritage Wind project. And they're very
24 concerned that when you receive a suggestion

1 from the Wildlife Division of DEC, you are
2 taking it as gospel and kind of stopping
3 projects in their tracks or cutting them back
4 or paring them back.

5 Can you give us the exact order of
6 operation of what happens when you receive a
7 recommendation from DEC, how that impacts
8 your decisions and whether you feel your
9 office is moving along at the right pace to
10 make sure we're reaching our goals?

11 ORES EXEC. DIRECTOR MOAVENI: Thanks
12 for the question, Senator.

13 The office -- as a part of the office
14 regulations, we have established a hearing
15 process which is based on the DEC hearing
16 framework which has been in place for over
17 40 years. So the office essentially
18 implements that hearing process for -- in the
19 case of Heritage Wind, which I believe that
20 the decision speaks for itself. And I don't
21 want to necessarily on this meeting get into
22 the specifics of it.

23 A significant and substantive issue
24 raises a part of the hearing process, and

1 that's really based on a project-specific and
2 site-specific wildlife/natural resource
3 impact. And given that this decision might
4 still go through an appeal process, I
5 respectfully have to limit my response to --
6 I'm going to ask you to go back to the
7 decision, and I will be happy to answer any
8 specific question you might have about the
9 decision.

10 SENATOR KAMINSKY: Yeah, I will just
11 say generally I think that, you know, your
12 office was created because projects aren't
13 moving fast enough. Our goals are really
14 hard to reach as it is. And I'll speak for
15 myself, we're hoping that you'll be able to
16 move things faster. You know, a backlog of
17 63 projects is quite eye-popping, and we're
18 hoping that you'll be able to move with all
19 deliberate speed, and we want to help you in
20 any way to be able to do that.

21 ORES EXEC. DIRECTOR MOAVENI: So as a
22 general matter, Senator, as long as a
23 developer can address major issues and
24 concerns raised by local government and host

1 communities and there is no significant and
2 substantive issue raised between the whole
3 hearing process, I'll go on the record to say
4 that we would like to issue those final
5 permits in less than eight months.

6 In cases that actually we have any of
7 those issues, we are going to use the full
8 statutory deadline that we have to issue
9 final permits.

10 As I mentioned, Senator, the office at
11 this point has met all statutory and
12 regulatory deadlines and milestones,
13 including this pipeline of 63 applications.

14 SENATOR KAMINSKY: Thank you.

15 Ms. Harris, I'm going to end just with
16 two points. I just want to ask you to
17 address -- to see if there's something that
18 you're thinking about in performing your
19 jobs.

20 Two points that I've found to be
21 particularly frustrating in just daily life
22 and trying to make sure our state is in sync
23 with the goals that we've set. One is I'm
24 finding that when people are rehabbing their

1 homes or building homes that the experts and
2 the contractors they're talking to are not
3 advising them on green options.

4 In other words, you know, you ask your
5 plumber what can I do, and they say, Here's
6 the latest type of gas boiler. Sometimes a
7 heat pump is not even something that is
8 entertained or not seen as reliable. And I
9 think when you lose that point of decision,
10 you lose 10 years of that person, you know,
11 not burning fossil fuels every day that he or
12 she doesn't have to.

13 And the second thing is with state
14 purchasing. It's just very odd to have SUNY
15 build a dorm with a gas hookup, with the Long
16 Island Rail Road to buy a diesel engine. So
17 with respect to people's daily lives and
18 their homes and with respect to SUNY
19 purchasing, I'm not getting the sense that
20 the state is viewing everything with the
21 sustainability and green lens that the CLCPA
22 requires to reach its goals.

23 NYSERDA PRESIDENT HARRIS: Thank you,
24 Senator.

1 I would agree that we need to apply
2 the same pace and urgency in our buildings as
3 we have demonstrated to do so in our
4 power-generation sector. I would agree with
5 you because of the scale that we need to hit
6 to decarbonize our 6 million buildings across
7 our state.

8 So I know you're aware, but when we
9 invest money in workforce development, we do
10 so through this lens that we need more people
11 advancing building decarbonization and
12 electrification in an informed and
13 responsible manner. So I know I had a great
14 tour of one of our training partnerships, as
15 an example, for heat pump training programs
16 that really is necessary to be expanded at
17 the scale commensurate with the objective.

18 And similarly to your point, we need
19 to lead by example as a state. That's one
20 core principle of the Climate Act and one
21 that I know we all take very seriously and we
22 need to take seriously with every decision we
23 make -- to your example, as the SUNY system
24 and broadly as agencies as well.

1 So we do know Governor Hochul has set
2 forth a very direct agenda with respect to
3 green procurement by state agencies, and it
4 is something that I believe is central to the
5 needs that are inherent within the
6 Climate Act.

7 CHAIRWOMAN KRUEGER: Thank you.

8 SENATOR KAMINSKY: Thank you. Thank
9 you, Chair Krueger.

10 CHAIRWOMAN KRUEGER: Thank you very
11 much.

12 Assemblywoman Weinstein.

13 CHAIRWOMAN WEINSTEIN: Yes. Before we
14 go to our next questioner, during this past
15 conversation we've been joined by our chair
16 of EnCon, Assemblyman Englebright, our chair
17 of Agriculture, Assemblywoman Lupardo. Also
18 Assemblywoman Cook and Assemblywoman McMahon.

19 And now we go to the ranker on Energy,
20 Assemblyman Palmesano.

21 CHAIRWOMAN KRUEGER: And right before
22 you start -- sorry -- Senator Pete Harckham
23 has joined us, Senator Leroy Comrie. Senator
24 Jim Tedisco I think wasn't here earlier. And

1 no doubt some others who already have their
2 hands up who have also joined.

3 Thank you.

4 ASSEMBLYMAN PALMESANO: Is it okay to
5 go?

6 CHAIRWOMAN KRUEGER: Yes, thank you.

7 ASSEMBLYMAN PALMESANO: Okay, thank
8 you.

9 The first comment I had real quick for
10 President Harris, just a couple of quick
11 things, first on the CAC comment period. I
12 first strongly believe that comment period
13 needs to be extended beyond 120 days for
14 something as far-reaching and impactful as
15 the CLCPA is going to have on our overall
16 economy and our residents. Four months is
17 not enough. I would argue we probably need a
18 year, but minimally nine months to get full
19 input from across the spectrum on this
20 far-reaching act.

21 And also I'm hoping that NYSERDA --
22 you guys will release your E3 study that was
23 made to determine your cost-benefit analysis.

24 So now to my questions. I was glad to

1 see my colleagues Chairmen Parker and Cusick
2 talk about costs, and I wonder about the
3 costs. The fact of the matter is our
4 constituents -- farmers, families, seniors --
5 are going to take it on the chin. That's a
6 fact.

7 And I hear often talk about
8 affordability and reliability coming from
9 obviously the PSC and NYSERDA, but I don't
10 see that. I see a lot of action around clean
11 green and renewable.

12 I guess my, you know, first area is do
13 you even consider the impact to the
14 ratepayers on these programs? For example, I
15 know in the three-year strategic plan from
16 2021 to 2024, NYSERDA had an anticipated
17 commitment of \$12.7 billion which would have
18 to be approved by the PSC. That's going to
19 go right to the ratepayer. And this is on
20 top of the 3.4 billion that was put in place
21 as of the June 30th Clean Energy Fund
22 quarterly report.

23 So on that front, do you even take
24 into consideration the cost to ratepayers on

1 that front, and then on the other front
2 relative to electrification? I mean,
3 everyone talked about electrification, how
4 great that is, but the fact of the matter is
5 there are studies in -- I think in the CAC
6 report that talked about \$20,000 to \$50,000
7 for conversion costs. The Consumer Energy
8 Alliance talked about \$35,000; others are
9 saying more.

10 How do we quantify the impact this is
11 going to have and tell people that they're
12 going to have to pay \$35,000 to convert their
13 homes over to be electrified? So in 2030
14 when their gas boiler goes, they're not going
15 to be able to replace it with a gas boiler.

16 How do you expect and justify the
17 amount this is going to cost us? And I know
18 you always say the benefits outweigh the
19 costs, which I wholeheartedly disagree
20 with -- not when New York only contributes
21 0.5 percent of the total carbon emissions
22 globally when China, which has 29 percent,
23 continues to build coal plants and increased
24 their carbon emissions by 9 percent in the

1 first quarter of last year.

2 So how do you address the cost issue a
3 little bit more, especially on the
4 electrification, \$35,000? You know, the
5 public has no idea this is about to hit them.
6 So how do you address that issue?

7 NYSERDA PRESIDENT HARRIS: Great.
8 Well, thank you. Thank you for the
9 thoughtful questions.

10 And just to double back and to ensure
11 you're aware, the study that you have
12 referenced actually was a critical foundation
13 for the scoping plan that was issued in draft
14 form at the end of the year and the
15 integration analysis that accompanied it. So
16 the study you referenced is available on the
17 Climate Act website, and if you -- I'll be
18 glad to follow up with a link just so you can
19 have it for a reference.

20 And also with respect to the comment
21 period, of course, we are excited about the
22 engagement we are about to undertake directly
23 with the public. And I would agree with you
24 that we of course need to maintain the

1 schedule established for the final scoping
2 plan. But to the extent that we need to
3 extend the comment deadline to accommodate
4 additional public feedback, we're certainly
5 open to doing so. So just to make sure I
6 close those out.

7 ASSEMBLYMAN PALMESANO: Thank you.

8 NYSERDA PRESIDENT HARRIS: On the
9 issue of costs, rest assured these issues are
10 central to everything that we are doing. The
11 benefit-cost assessment that you referenced,
12 it's looking at societal benefits versus
13 societal costs. And that's critical in the
14 most macro of senses -- i.e., is this worth
15 doing. I am very confident that the answer
16 to that is yes, on balance.

17 And when we look at individual
18 programs, I couldn't agree more that we need
19 to look very carefully at the impact on
20 people, people who in many cases are
21 stretched to pay the bills that they have
22 today.

23 So when we think about what we're
24 doing, one thing I would like to build on is

1 the scale of the commitment that we are
2 making as a state. And when we think about
3 the scale that we are committing to as a
4 state and as a globe, what we see is a huge
5 movement that can improve costs
6 significantly. Technology costs, like we've
7 seen with solar, as an example, which have
8 been reduced significantly, almost an order
9 of magnitude over time.

10 And we need to see those same cost
11 reductions with other technologies for those
12 exact reasons you point out. And we need to
13 scrutinize carefully the incremental costs
14 for every decision we make.

15 A great example is NYSERDA's
16 Clean Energy Fund, which is actually designed
17 to reduce, over time, ratepayer impacts of
18 these collections. And the Public Service
19 Commission's order which authorized the
20 Clean Energy Fund through 2025 confirmed
21 that.

22 So I would say I agree with you, and
23 as every decision is made, it will be central
24 to our considerations.

1 ASSEMBLYMAN PALMESANO: Thank you.

2 I was going to talk a little bit about
3 reliability, but I want to skip to another
4 area issue, too, because there's been a lot
5 of talk about electric vehicles and how great
6 this is going to be for our state, for our
7 environment.

8 But are you taking into account the
9 intensiveness, energy intensiveness, the
10 effort that has to go into mining these
11 rare-earth materials, particularly when
12 70 percent of the cobalt comes from the
13 Republic of Congo, Democratic Republic of
14 Congo, which is having serious human rights
15 and environmental issues with children dying,
16 mines collapsing, they're dying and they're
17 being maimed.

18 Don't we have an obligation, you know,
19 instead of just pushing electric vehicles
20 when 70 percent of the cobalt, which is made
21 into these electric vehicles, is coming from
22 there, where there are lawsuits and, again,
23 where there are children dying, where there
24 are children being maimed and individuals

1 being maimed. And this is a poor country,
2 and they're being taken advantage of by this.

3 Don't we have a responsibility --
4 because we always talk about climate justice
5 and economic justice for disadvantaged
6 communities. This is something that -- it's
7 almost like, from my perspective looking at
8 this, like the end justifies the means. And
9 the fact of the matter is there's a major
10 problem. The same thing with lithium. And,
11 you know, China controls the market on
12 lithium.

13 Or, you know, let's talk about the
14 solar panels. They control the solar market.
15 Then you're going to have a major -- they're
16 going to control our whole market. But I'm
17 very, very concerned about this child labor
18 and these children being exploited in the
19 Republic of Congo, where 70 percent of the
20 cobalt is coming from. How are you
21 addressing that issue? Isn't it going to be
22 addressed?

23 NYSERDA PRESIDENT HARRIS: Yes, you're
24 identifying what is in fact a global issue

1 with some of the materials that are
2 precursors to the technologies that we are
3 utilizing now. And we certainly are not
4 alone in those concerns, which I share with
5 you as well.

6 We see actually movement from the
7 federal government to address some of these
8 issues. But as a general matter, it speaks
9 to not only equity in the most global of
10 senses, but also security.

11 And in this instance, this is where
12 innovation really comes in, and this is why
13 NYSERDA is committing \$800 million under the
14 Clean Energy Fund to the topic of innovation,
15 because we need better solutions, to your
16 point, that minimize impacts but also create
17 new solutions technologically to address the
18 needs inherent within the Climate Act.

19 I would say also, just generally, the
20 private market is responding to this
21 challenge as well, with new technologies, new
22 sources, and frankly new chemistries that can
23 address some of the points you had made.

24 ASSEMBLYMAN PALMESANO: Well, I think

1 that's a really big issue with how we're
2 mining these materials and the fact that
3 China controls the market -- and, again,
4 what's going on in the Republic of Congo,
5 with 70 percent of the cobalt, and what's
6 happening over there.

7 I want to get to the reliability
8 issue. I don't hear a lot of talk about
9 reliability coming out of the CAC. The most
10 important thing we have to have is
11 reliability. I know there's provisions in
12 the CLCPA to say if there's a question about
13 reliability, to put the brakes on. And I
14 would urge you to pay attention to that,
15 because I think that's a big issue. You
16 know, even the NYISO's expressed concerns.

17 And the fact of the matter is when we
18 talk about full electrification, when
19 60 percent of the people in New York State
20 heat their homes with natural gas -- it's
21 like 94 percent in Western New York. With
22 the freezing temperatures we have, how can we
23 sit there and say we're going to rely on the
24 solar and wind when we don't have the storage

1 capacity to provide heat and lights to our
2 families, to our small businesses, to our
3 manufacturers who rely on that?

4 I think there's a tremendous
5 reliability issue here. And the heat pumps,
6 from everything I'm reading about it, they
7 don't do well in Arctic temperatures or cold
8 temperatures, where in the North Country
9 they're below zero, or in Western New York.
10 I mean, that's a problem. But reliability is
11 an important issue that needs to be
12 addressed, and I think you absolutely need to
13 keep an eye on that. Because if we can't
14 meet our reliability needs, then we shouldn't
15 be moving forward with this.

16 And it goes back to that, the
17 reliability and the affordability for people.
18 And I just -- how do you address the
19 reliability? Because the costs regarding
20 reliability is a big issue. People need to
21 have lights on, the heat on, because
22 otherwise if people can't heat, they're going
23 to die.

24 CHAIRWOMAN KRUEGER: I don't think

1 he's given you time to answer. You may need
2 to get him the answer offline.

3 ASSEMBLYMAN PALMESANO: Well, I think
4 reliability is a good answer for everybody,
5 given the far-reaching impact of this,
6 Madam Chair.

7 And in the time we have, I think
8 President Harris, being the cochair of the
9 CAC, should be able to answer the members of
10 this body about reliability, which is a key
11 component of our energy --

12 CHAIRWOMAN KRUEGER: She's run out of
13 time, unfortunately, with your questions.

14 CHAIRWOMAN WEINSTEIN: Right. This is
15 a reminder for questioners to leave time for
16 the answer to your question.

17 And we'll now -- we've been joined by
18 Assemblyman Dilan, and we'll turn it over to
19 the Senate.

20 CHAIRWOMAN KRUEGER: Thank you very
21 much, Assemblymember.

22 Our next questioner is Pat Ritchie,
23 the ranker. Hi, Pat.

24 SENATOR RITCHIE: Thank you. Thank

1 you.

2 President Harris, I'd just like to
3 start off by saying I appreciate your
4 statement that you're going to look at the
5 impact on people. Many of the people that I
6 represent right now are struggling, and so
7 this extra cost, honestly, they're not going
8 to be able to -- they're not going to be able
9 to do anything to offset that.

10 Home heating costs are up 20 to
11 30 percent this winter, and we have already
12 had, in my district, multiple days of 20 to
13 30 below zero. There was a mention of heat
14 pumps a few minutes ago. I have a
15 constituent who just bought a new heat pump
16 and invested in it, and the heat pump will
17 not work because the weather -- the
18 temperature is so cold.

19 So either for NYSERDA or PSC, can you
20 tell me what is causing the huge spike with
21 regards to heating costs? And is there
22 anything that can be done immediately to help
23 homeowners?

24 NYSERDA PRESIDENT HARRIS: Certainly.

1 Chair Christian, maybe -- would you like me
2 to start with that?

3 PSC CHAIR CHRISTIAN: Yeah, I can
4 follow up after, yeah.

5 NYSERDA PRESIDENT HARRIS: Okay,
6 certainly.

7 So we certainly do need and continue
8 to prioritize affordability and, to the prior
9 question, reliability in every decision that
10 we make. Certainly we at NYSERDA have a
11 number of programs that are focused on just
12 that, which is bringing forward solutions to
13 help address people's challenges with bills
14 and other, I would say, adoption of
15 technologies that really can help them in the
16 long term, not only from a cost perspective
17 but, again, from a decarbonization
18 perspective as well.

19 When we talk about heat pumps, I need
20 to say: Heat pumps work in cold climates.
21 They work in northern Europe, as an example,
22 where it's even colder than it is here today,
23 at a scale which is commensurate with the
24 scale that we really need to achieve as a

1 state to achieve the Climate Act goals.

2 But it is the case that we need
3 installations that are smart, that are
4 coupled with highly efficient homes, and
5 technologies that are designed to work in
6 cold climates like upstate New York in
7 particular.

8 So for your particular constituent, I
9 would hope they would reach out directly to
10 NYSERDA, as we're happy to help with the
11 solutions that are needed to achieve that
12 objective.

13 Generally, though, with respect to the
14 variability and I would say the challenges of
15 fluctuating prices, it is largely the
16 function of the grid that we have today,
17 which is highly reliant on natural gas and
18 volatile prices that come from forces far
19 outside of New York.

20 So ultimately one primary goal of the
21 future that we see is to address some of
22 those issues with volatility and prices. The
23 adoption of electrification technologies and
24 a highly clean, localized grid can really

1 help in that respect, and it is a future that
2 we see as beneficial for reasons as
3 described, including the question of stable
4 pricing that people can plan around.

5 Chair Christian, anything you would
6 want to add?

7 PSC CHAIR CHRISTIAN: I think you've
8 done a great job of capturing the global
9 perspective of it. And I want to -- you
10 know, I think it's important to recognize
11 that this is truly a global issue. Energy
12 costs in Europe right now are among the
13 highest they've been for a variety of
14 reasons, some of which are supply-based, some
15 are political in nature.

16 But ultimately there are two sides to
17 the cost conversation. There's the cost of
18 the commodity itself, and then there's the
19 cost of the infrastructure needed to bring
20 that commodity to that person's home, be it
21 natural gas, electricity, whatnot.

22 You know, looking at what the
23 Public Service Commission regulates, we
24 regulate investments in that infrastructure.

1 And thinking through where those have been
2 over the last two years, I think back to 2021
3 in particular, you know, given the quantity
4 of dollars utilities have requested, and I
5 look at the approvals that the PSC has
6 provided. Ultimately when you compare the
7 two, the PSC has approved cost increases of
8 8 percent of what the utilities originally
9 requested.

10 So we've done a fairly aggressive job
11 of keeping costs for infrastructure in line.
12 And that's the role that the commission and
13 staff will continue to have and hold.

14 But again, from an affordability
15 perspective, I also want to reinforce the
16 existence of the various energy affordability
17 programs that exist within the state, many of
18 which have been expanded in response to the
19 hardships individual consumers are
20 experiencing as a result of the pandemic.

21 So in addition to maintaining a
22 posture where we're rigorously reviewing the
23 costs for the infrastructure needed on an
24 ongoing basis, as a core responsibility of

1 our role we're also ensuring that those in
2 need have the resources with which to
3 continue and maintain the service upon which
4 they rely.

5 SENATOR RITCHIE: Okay. And just as a
6 follow-up to the Assemblyman's question, what
7 is the state doing to ensure that the
8 reliability of the energy system will not be
9 impacted by the provisions under the CLCPA?

10 I don't know if you want to address
11 that or NYSERDA wants to.

12 PSC CHAIR CHRISTIAN: Yeah, I can take
13 that.

14 NYSERDA PRESIDENT HARRIS: Okay. I --

15 PSC CHAIR CHRISTIAN: Well, I'll take
16 this one.

17 Again, in terms of -- that is the core
18 function of the Public Service Commission,
19 one of the core functions, to ensure
20 reliability.

21 Again, the Draft Scoping Plan has been
22 released. A final plan, as you all know, has
23 not been finalized. So the exact steps and
24 actions we will be taking to meet the goals

1 have not been fully defined.

2 We have a clear path on where we need
3 to go with respect to installing renewable
4 energy. And as has been stated by President
5 Harris, we're well on our way to meeting
6 those goals for 2030. The key is then
7 establishing the infrastructure and system to
8 ensure the reliability is met.

9 So that is at the forefront of our
10 work. That's ever-present in our thinking
11 and our approach and is a key priority and
12 something that will not go unaddressed as we
13 move forward.

14 SENATOR RITCHIE: Okay. I'm going to
15 kind of change directions here. My next
16 question is about the 500 million for the
17 development of offshore wind ports'
18 manufacturing supply chain infrastructure.

19 Can you tell me where the money will
20 be used and where the wind turbines will be
21 located?

22 NYSERDA PRESIDENT HARRIS: Certainly.
23 This year's Executive Budget from Governor
24 Hochul includes a \$500 million line item for

1 the provision of investments in New York's
2 port infrastructure.

3 That is anticipated to be expended
4 over a period of five years, just for
5 clarity, because it is the case that these
6 ports will take a number of years to be
7 developed and advanced and ultimately serve
8 the industry.

9 So New York, under the Climate Act,
10 has the largest offshore wind goal in the
11 nation. And what we are seeing is really the
12 manifestation of the achievement of that goal
13 with significant investments by the private
14 sector in our ports, in supply chain
15 activities, and in jobs that are really
16 bringing forward what I would say is a
17 once-in-a-generation industry right here in
18 New York.

19 So the Governor's commitment is really
20 intended to build on what we're seeing. We
21 already have five ports that are serving the
22 industry. And we know we can, with this
23 investment, achieve not only a number of
24 additional ports or expanded ports serving

1 the industry, but we expect three-to-one
2 leverage by the private sector with that
3 investment. And it could be coupled with
4 what we see are significant investments from
5 the federal government as well.

6 So what we expect to see are new
7 activities advancing across the state and
8 thousands of jobs to support it.

9 SENATOR RITCHIE: Okay. Can I just
10 follow up -- sorry, can I follow up with one
11 question?

12 NYSERDA PRESIDENT HARRIS: Certainly.

13 SENATOR RITCHIE: So if you have a
14 community that is totally opposed, is that
15 something you're going to work with the
16 community? How will that play out?

17 NYSERDA PRESIDENT HARRIS: Well,
18 certainly when it comes to projects and
19 ports -- is your question both?

20 SENATOR RITCHIE: Mm-hmm.

21 NYSERDA PRESIDENT HARRIS: Certainly.
22 We take very seriously not only community
23 engagement but community support for
24 projects. We actually at NYSERDA have a team

1 that it is their exclusive job to work
2 directly with host communities to help ensure
3 that they have the tools and resources needed
4 to engage fully in processes like the siting
5 office's processes and beyond.

6 And what we see are communities that
7 are raising their hand to host projects, and
8 those communities that need additional help.
9 That's what we're here to do, to help make
10 projects sited responsibly that we can all
11 support.

12 SENATOR RITCHIE: Thank you.

13 NYSERDA PRESIDENT HARRIS: Thank you.

14 CHAIRWOMAN KRUEGER: Thank you very
15 much.

16 Assemblywoman Weinstein.

17 CHAIRWOMAN WEINSTEIN: Yes. We've
18 been joined by Assemblyman Walczyk,
19 Assemblywoman Septimo, Assemblyman Erik
20 Dilan.

21 And I go to our ranker on EnCon,
22 Assemblyman Smullen.

23 ASSEMBLYMAN SMULLEN: Thank you very
24 much, Chair.

1 What I'd like to do is go to the
2 questions that I'll ask President Harris and
3 Chair Christian. I'll state the questions,
4 and we'll come back and answer them or have a
5 dialogue about them.

6 For President Harris, why are we
7 betting on air-source heat pumps for new
8 construction when their efficiency at
9 minus 5 degrees is suspect?

10 Second question: For hydrogen
11 production in New York, where does the
12 electricity actually come from, and what is
13 the conversion efficiency rate?

14 Third question: Why are we betting on
15 electric school buses versus converting to
16 clean diesel technology?

17 Fourth question: What is the cost
18 estimate of the hydropower Quebec line, which
19 will bring electricity from Canada to
20 New York City?

21 For Chair Christian: Will you pledge
22 to help publish the full results of the
23 broadband map in real time? And lastly, can
24 you please explain the rate hike agreement

1 that postpones the 7-mile Albany Loop
2 pipeline?

3 Are we still on the screen here?

4 NYSERDA PRESIDENT HARRIS: Yes. I'm
5 here. I'm here. I'm just making sure I have
6 all of these written down. I will
7 hopefully --

8 ASSEMBLYMAN SMULLEN: Circling back to
9 you, President Harris, can you talk to me
10 more about air-source heat pumps for new
11 construction? You know, we live in the
12 North Country, minus 5 degrees. Aren't these
13 new air-source heat pumps for super low
14 temperatures very expensive?

15 NYSERDA PRESIDENT HARRIS: So with
16 respect to cold-climate heat pumps and heat
17 pumps in general, we see this as a critical
18 technology to help to address issues with
19 emissions and the utilization of natural gas
20 in heating, and in some instances other
21 activities taking place in homes.

22 So when we look at Governor Hochul's
23 2 Million Homes Initiative, we are focusing
24 on new construction, first of all, in the

1 first instance, with the goal to really bring
2 forward electrification technologies in the
3 time frame of 2027 in the outyear, for the
4 new-construction homes.

5 When we look at what is actually true
6 on the issue of cost, in new construction
7 it's a very modest increase on the order of a
8 couple of percent as to the capital cost of
9 systems like this in new homes. And that is
10 why we want to start there, because we know
11 we can achieve these objectives in these
12 new-construction activities where the cost
13 differential is rather insignificant at the
14 scale of a new home.

15 It is also the case that we need to
16 build these homes, to your question, in a
17 form that is what we would say is
18 electrification-ready. And by that we mean
19 the homes need to be built with a very high
20 level of efficiency and a very what we say is
21 robust shell, so that we are limiting really
22 the need to heat and cool the home in the
23 first instance.

24 But what we see in very cold climates

1 is high efficiency and high effectiveness of
2 this technology as a general matter, with
3 those preconditions in mind.

4 ASSEMBLYMAN SMULLEN: So moving on,
5 for hydrogen, where does the electricity --
6 where is it actually going to come from? And
7 what is the conversion efficiency rate for
8 that hydrogen?

9 NYSERDA PRESIDENT HARRIS: So there
10 are a number -- there's quite a rainbow of
11 hydrogen technologies. When we talk about
12 hydrogen, we are looking primarily at green
13 hydrogen, which is created by electrolysis,
14 actually. It's the electricity --
15 essentially the electrolysis of water using
16 renewable electricity.

17 And another technology that you might
18 hear is pink hydrogen, which is from
19 nuclear-derived electricity, as an example.

20 When we think about this technology,
21 it does not have associated greenhouse gas
22 emissions, which we see as a huge benefit,
23 given our goals. And as to the efficiency,
24 my understanding is it's around 80 percent,

1 to directly answer your question with respect
2 to the energy efficiency of that electrolysis
3 process.

4 ASSEMBLYMAN SMULLEN: Okay. And, you
5 know, as we deal with this mandate on
6 electric buses for schools, wouldn't an
7 interim step for some people in, say, the
8 upstate areas or the North Country, be to
9 convert to clean diesel technology so they
10 could have, you know, energy density to make
11 sure that they wouldn't overload the grid
12 before it's ready to handle this? This is
13 only three years away.

14 NYSERDA PRESIDENT HARRIS: Yes, we
15 certainly have invested in clean diesel
16 school buses as -- through existing
17 initiatives.

18 We also, however, see a future where
19 the electrification of school buses can
20 improve significantly air quality results and
21 ultimately cost results as well for school
22 districts. For those same reasons that we
23 really talked about with respect to
24 homeowners and the need, again, for a

1 reliable and a -- I would say a stable cost
2 of operating those buses as well.

3 So, you know, it's a question of
4 scale. When we look at the scale of our bus
5 fleet, we see a huge opportunity for cost
6 efficiency and specifically as battery costs
7 are coming down over time.

8 ASSEMBLYMAN SMULLEN: Well, speaking
9 of scale on buses, what is the cost estimates
10 for a clean diesel bus today versus an
11 electric bus today?

12 NYSERDA PRESIDENT HARRIS: So we are
13 actually looking at cost premiums -- you
14 know, I want to -- I have to get back to you
15 on that. I want to make sure I quote it
16 exactly correctly. I would have to give you
17 a ballpark, sir. So I'll have to get back to
18 you on that one.

19 ASSEMBLYMAN SMULLEN: Thank you for
20 that. Because costs do matter.

21 Speaking of that, what is the cost
22 estimate for the hydropower Quebec line to
23 bring electricity from Canada to New York
24 City?

1 project in real time so we can see where to
2 invest the federal and state dollars that are
3 coming to upstate New York?

4 PSC CHAIR CHRISTIAN: So if it's okay
5 with you, I'd like to actually piggyback off
6 of something President Harris just said about
7 EVs, to discuss another benefit.

8 ASSEMBLYMAN SMULLEN: No, sir, I'm
9 focused on --

10 PSC CHAIR CHRISTIAN: Okay, broadband
11 it is.

12 So the mapping initiative is going to
13 be released this May, so we'll have that
14 available. And just to be clear, the
15 initiative is not a snapshot -- it's going to
16 represent a snapshot in time, but it will be
17 continuously updated throughout several years
18 to ensure that we see progress on where work
19 is needed as that map is deployed.

20 I've been made aware that some
21 counties have actually requested access to
22 the map early, and we're looking over whether
23 that can be done. But ultimately our goal is
24 to have the map deployed on time, and

1 everything seems to be moving with that goal
2 in mind.

3 Additionally, I believe we're going to
4 be having several public hearings, the first
5 of which is going to be before the end of
6 this month. I'll double-check the date and
7 get back to you. But we should be holding at
8 least eight such hearings to discuss the map
9 and the details within it.

10 And so the broadband initiative is
11 moving along and we expect it to yield some
12 significant benefits in the near and the long
13 term.

14 ASSEMBLYMAN SMULLEN: On behalf of all
15 of those counties, please get them the
16 information as it comes in real time. Many
17 of them are doing broadband studies
18 themselves, and they could really use that
19 help from the state.

20 PSC CHAIR CHRISTIAN: Of course.

21 ASSEMBLYMAN SMULLEN: Can you please
22 explain the rate hike agreement that
23 postpones the 7-mile Albany Loop pipeline?

24 PSC CHAIR CHRISTIAN: Okay. So the

1 Albany Loop pipeline in question you're
2 referring to I believe is -- was the proposed
3 reliability project that NIMO presented in
4 its most recent rate case.

5 The project was supposed to be about
6 7 miles of gas mains to connect one end of
7 the existing gas transmission loop in
8 Albany -- I think in the town of Bethlehem --
9 to another part of the loop in the town of
10 Troy.

11 Ultimately, NIMO agreed to withdraw
12 that as part of the settlement agreement that
13 was made with several other parties as part
14 of their rate filing. It was accepted by the
15 other parties and ultimately approved by the
16 Public Service Commission in our most recent
17 session.

18 That's the background of the case.

19 ASSEMBLYMAN SMULLEN: Okay. So no
20 pipeline, which means no gas, which for --
21 until our full electrification takes hold
22 then, you know, the people in that area have
23 to pay more, essentially, so.

24 Okay, well, I really --

1 PSC CHAIR CHRISTIAN: Actually --
2 sorry, sir, that's not actually the case.
3 Sorry, I should have expanded on that a
4 little bit.

5 The purpose of the proposed
6 infrastructure was a reliability need. As
7 we've done in other rate cases, we've asked
8 utilities to investigate alternatives. And
9 in this settlement agreement, other
10 alternatives were proposed that would allow
11 for continued service at the same quality,
12 the same safety, the same reliability, but at
13 a lower cost.

14 So those initiatives are actually
15 taking place. I can get back to you with the
16 details on what those actual things are. But
17 ultimately the need for the loop was
18 determined by NIMO to be unnecessary as a
19 result of those discussions through the
20 settlement process put forward by the PSC.
21 So --

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 We've been joined by Assemblywoman
24 Glick --

1 (Overtalk.)

2 ASSEMBLYMAN SMULLEN: Thank you for
3 your --

4 CHAIRWOMAN WEINSTEIN: -- and we'll
5 send it back to the Senate.

6 CHAIRWOMAN KRUEGER: Thank you very
7 much, Assemblywoman.

8 All right, we have now finished the
9 chair and ranker period, unless Helene or
10 myself jump in at some point.

11 So now people are going to six minutes
12 in total to ask their questions of the three
13 representatives.

14 I'm sorry, Assemblyman Ra, I didn't
15 mean to diss you in that either. I see you
16 raising your hand down there. Take it up
17 with Helene.

18 And the next speaker is Senator Brad
19 Hoylman, who just walked away from his chair.
20 Come back, Brad Hoylman, come back.

21 SENATOR HOYLMAN: I'm back. Sorry.
22 It was very bright in my office. Thank you,
23 Madam Chair.

24 This is for President Harris. Just a

1 quick couple of questions about the NYSERDA
2 grant program.

3 You may or may not know there are two
4 fossil fuel energy generation plants being
5 proposed for one of the largest residential
6 developments in my district, and in fact the
7 entire city, StuyTown-Peter Cooper Village,
8 which is owned by Blackstone, the private
9 equity firm that is heavily invested in
10 fossil fuels to the tune of \$20 billion.

11 StuyTown has over 11,000 apartments,
12 over 20,000 residents. And Blackstone has
13 proposed two of what are called combined heat
14 and power plants, CHP plants, which while
15 they generate steam and electricity, they
16 burn fossil fuel, natural gas.

17 And the power plants have been subject
18 to a great deal of concern from the community
19 and elected officials because of the health
20 and environmental consequences for this
21 neighborhood, which already has the
22 second-highest levels of air pollutants,
23 according to city data, and is located
24 directly across the street from the

1 14th Street Con Edison 660-megawatt power
2 plant.

3 But my question is in July of 2018 --
4 clearly before your time -- NYSERDA awarded a
5 million and a half dollars in grants through
6 the Clean Energy Fund to this project.

7 So I ask, as we make strides to meet
8 our CLCPA mandates, why would we be providing
9 public funds for clean energy to new fossil
10 fuel infrastructure? And secondly, is there
11 any ability to end the disbursement of this
12 grant -- that's being awarded as the project
13 meets certain milestones -- given the
14 mismatch between the mission of the
15 Clean Energy Fund and the environmental
16 impact of a fossil fuel plant like this?

17 NYSERDA PRESIDENT HARRIS: Certainly.
18 Thank you for that question.

19 And I am aware, as you point out, that
20 this was an award from NYSERDA back before
21 the adoption of the Climate Leadership and
22 Community Protection Act. I think I had been
23 told it was around 2017, which is roughly
24 consistent with your recollection.

1 In general, first of all, these types
2 of programs have been evolved certainly with
3 the adoption of the Climate Act, which sets
4 forth parameters that change the nature of
5 NYSERDA's investments, along with many
6 others. So we certainly are transitioning
7 programs and have transitioned programs like
8 that and other legacy programs to really
9 focus on the resources and technologies that
10 are part of the climate agenda of the state.

11 As a general matter, first of all,
12 this is a contractual commitment of NYSERDA
13 and it is not one that we would renege on for
14 the reasons of market certainty, certainly,
15 and adherence to our contractual
16 requirements. However, as a general matter,
17 it is not an area that we're investing in
18 under the Climate Act.

19 And for what it's worth, there are
20 benefits of this type of an installation
21 certainly that we hope will be afforded
22 through this installation, notably with
23 respect to efficiency and reduction in energy
24 consumption.

1 SENATOR HOYLMAN: Well, given what we
2 know now and what we've embraced as a state
3 through a constitutional amendment and
4 through amazing path-breaking legislation
5 like the CLCPA, is it worth us taking a look
6 at these type of grants to see if we can claw
7 them back? I mean, is a commitment that
8 endangers the future of our planet really one
9 that we should honor?

10 NYSERDA PRESIDENT HARRIS: Well, we're
11 always looking for opportunities to improve
12 installations like the one that you're
13 referencing. And I will note, obviously,
14 that the project itself will be subject to
15 the provisions within the Climate Act with
16 respect to emissions and the like as well.

17 But as a general matter, we have
18 pivoted, focusing on electrification, and
19 that's really the focus of our investments as
20 described here today.

21 SENATOR HOYLMAN: Could I get a
22 commitment from you to look at this
23 particular award, see how much has been
24 distributed, and make a determination whether

1 it's still worthy of future disbursements?

2 Or are we just giving them a blank
3 check even with the strides we've made in
4 recent years on curbing fossil fuel
5 emissions?

6 NYSERDA PRESIDENT HARRIS: You have my
7 commitment that we will certainly look at the
8 project and its evolution and development to
9 maximize all of the provisions I just
10 described -- specifically emissions
11 reductions, efficiency improvements and the
12 like, in light of the Climate Act. You have
13 my commitment to do that.

14 SENATOR HOYLMAN: Thank you so much.
15 I greatly appreciate it.

16 NYSERDA PRESIDENT HARRIS: Thank you.

17 SENATOR HOYLMAN: Thank you,
18 Madam Chair.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much.

21 Assemblywoman?

22 CHAIRWOMAN WEINSTEIN: We do have our
23 Ways and Means ranker, Assemblyman Ra, who
24 will get 10 minutes now before we go on to

1 the other members.

2 ASSEMBLYMAN RA: Thank you, Chair.

3 Appreciate it.

4 I do quickly just want to point out,
5 with regard to the PSC, I know the Senator
6 had raised it earlier, the Town of Hempstead
7 did appoint their commissioners for the --
8 just last week, actually -- for the
9 South Nassau Water Authority. So they are
10 moving forward.

11 But, you know, Commission Chair, just
12 some further questions regarding that. I do
13 represent also a portion of the northern
14 part, and with the whole New York American
15 Water issue I know there were some
16 reservations within the department regarding
17 the sale that was approved.

18 I'm just wondering, going forward now,
19 you know, everybody knows that the key to all
20 of this is the property tax burden that is
21 being imposed on the ratepayers. I know that
22 was obviously an obstacle with regard to the
23 sale. It's something that, until there's
24 some type of municipal entity, doesn't really

1 go away.

2 So just wondering how the department
3 is moving forward with, you know, the
4 transition to a new owner, with it looming
5 that perhaps these areas are all going to get
6 broken up, both on the south and northern
7 part of their holdings.

8 PSC CHAIR CHRISTIAN: So, you know,
9 ultimately the department is ready and able
10 to assist in any further consideration on
11 what the next steps will be, be it
12 municipalization or some other action.

13 We're monitoring the status of this
14 initiative, and ultimately we'll be in
15 communication with the various
16 representatives to understand their goals and
17 intent and what the next steps will and
18 should be.

19 You know, I think ultimately, you
20 know, to the point you made, the customers
21 have been long burdened by high costs for the
22 water that they use daily, and again, these
23 costs have been driven largely by taxes and
24 have nothing to do with the provision of

1 water. So one of the things that -- if I'm
2 remembering properly, the agreement includes
3 a rate freeze that will be immediate, so that
4 will be very much, you know, assistance to
5 customers in establishing some relief and
6 protections.

7 But ultimately whether
8 municipalization actually happens, I believe
9 that decision is up to the local
10 municipalities themselves. But whatever
11 choice is made, ultimately the Public Service
12 Commission is here to support that choice and
13 provide assistance as needed.

14 ASSEMBLYMAN RA: Absolutely. And we
15 certainly would appreciate, you know, that
16 continued partnership as we move forward with
17 this, you know, in both the northern and
18 southern areas.

19 You know, I think what the ratepayers
20 want is pretty clear. But we also appreciate
21 that this is complex and there are differing
22 solutions as to how we're actually going to
23 do it, whether it's in some areas perhaps
24 neighboring entities that may take over

1 pieces of it, and others just, you know, a
2 brand-new entity and -- you know, who owns
3 what and all that stuff. So thank you for
4 that.

5 The other thing I wanted to talk
6 about, this proposal regarding disallowing
7 utilities from recovering the cost of the
8 first 100 feet of natural gas infrastructure.

9 You know, I assume this is to kind of
10 discourage new natural gas hookups for homes?

11 PSC CHAIR CHRISTIAN: So I -- yeah, so
12 I can't speak to the -- I'm trying to
13 remember the exact language in the
14 legislation, excuse me. But the 100-foot
15 rule you speak of is something that was
16 established at the very onset of utility
17 development as we know of today. And it's
18 long been seen as an incentive to help
19 customers, particularly new homes, homes that
20 don't have gas service, connect to the grid
21 by making it easier. So what the 100-foot
22 rule ultimately allows is that first 100 feet
23 of service between the gas main and your home
24 would be covered for free.

1 That rule is a vestige of previous
2 policies designed specifically to expand and
3 accelerate the growth of our gas use within
4 the state. Given the passage of the CLCPA,
5 given the direction that we're moving as a
6 state towards significant reductions in
7 emissions and also the need to electrify, one
8 would ask the question -- and I think this
9 dovetails onto a question previously asked
10 about incentivizing infrastructure that
11 emits -- should this continue?

12 And, you know, ultimately the
13 legislation is attempting to bring in line
14 Public Service Law with the greater goals of
15 the CLCPA by eliminating this de facto
16 subsidy of providing natural gas.

17 ASSEMBLYMAN RA: So I think -- you
18 know, I can appreciate that. But, you know,
19 as some of my colleagues have mentioned, when
20 we look at this whole thing, you know, we
21 can't completely look at it in a vacuum. So,
22 you know, what are we at this point -- if
23 you're taking a home that maybe is utilizing
24 something that is much less clean right now

1 than natural gas and we're taking -- you
2 know, we're disincentivizing them to
3 switching to something that's cleaner, it
4 seems to me that, you know -- certainly I get
5 that that's the long-term goal.

6 But, I mean, aren't we perhaps keeping
7 a home on something that is less clean and
8 less green by not allowing them to get a
9 natural gas hookup, which we know many
10 residents want to get, both in terms of
11 affordability and in terms of it being
12 cleaner than what they may be currently
13 heating their homes with?

14 PSC CHAIR CHRISTIAN: Assemblymember,
15 that argument is exactly an argument I have
16 made myself in the past when I was an
17 advocate for the environmental community.
18 And in the past, that argument is 100 percent
19 accurate.

20 Where we are today, though, things
21 have changed significantly. Today -- and
22 there's several studies which I'm more than
23 happy to share with you, done by a variety of
24 different organizations. It's been shown

1 time and time again that natural gas as an
2 intermediate step actually increases our
3 costs over time. The ability to convert an
4 individual from oil to electric is actually
5 far more cost-effective if done directly
6 rather than first transitioning to natural
7 gas.

8 So I think President Harris said this
9 earlier in her comments, that NYSERDA is
10 constantly looking at incentives to readjust
11 and realign them with needs. And I know I'm
12 confident that provision of incentives to
13 encourage those customers not using natural
14 gas, using dirtier fuels, converting them to
15 electric is likely going to be a significant
16 priority and a significant funding area going
17 forward.

18 So I don't believe those customers are
19 going to be left without. And I believe
20 those are actually the ripest customers for
21 conversion to electrification over the next
22 few years.

23 ASSEMBLYMAN RA: Thank you, Chair.
24 And please, I would appreciate if you can

1 send over any of those studies to me.

2 PSC CHAIR CHRISTIAN: Absolutely.

3 Happy to do so.

4 ASSEMBLYMAN RA: Thank you.

5 I will yield back the rest of my time.

6 Thank you, Chair.

7 CHAIRWOMAN WEINSTEIN: Back to the

8 Senate.

9 CHAIRWOMAN KRUEGER: Thank you very
10 much.

11 Our next is Michelle Hinchey,
12 Agriculture chair. Hi.

13 SENATOR HINCHEY: Hello. Thank you
14 very much, Madam Chair.

15 My first question is for Mr. Moaveni.
16 We are seeing large-scale solar projects
17 being targeted on farmland because it is
18 easier and it's cheaper, and especially
19 having happening with predatory practices.

20 So building off of Assemblymember
21 Cusick's comments or questions, I believe you
22 answered that you would come up with
23 solutions to protect farmland. Can you talk
24 about what regulations you have implemented

1 to protect farmland and therefore our food
2 supply today?

3 ORES EXEC. DIRECTOR MOAVENI: Sure.

4 Thanks, Senator.

5 As I mentioned in my earlier comment,
6 the office recognizes the importance of
7 preserving our most productive farmland,
8 consistent with the New York State
9 Constitution.

10 And as far as I know for the first
11 time in New York State, we have established a
12 regulatory framework to study the impacts of
13 renewable energy development on farmland.

14 So in our Exhibit 15, as part of the
15 regulations, we have established a set of
16 requirements to be provided that would enable
17 the office to review the proposed facility
18 and make determinations on a case-by-case
19 basis.

20 The regulations are based on a
21 hierarchy of avoid, minimize or mitigate
22 significant adverse impacts to farmland
23 resources to the maximum extent practicable.

24 I don't want to go through the entire

1 regulatory process, but just to outline a few
2 steps, the office staff work very closely
3 with my colleagues from the Department of
4 Ag & Markets, and with applicants, to avoid
5 significant impacts to farmland before an
6 application is submitted. As a part of
7 Exhibit 15, an applicant is required to
8 provide an agricultural plan in which they
9 need to outline specific steps that they will
10 take to minimize or mitigate impacts.

11 We have a requirement to comply with
12 Ag & Markets construction standards, and we
13 have specific requirements for compliance
14 with decommissioning and restoring the site,
15 again, consistent with the Department of Ag &
16 Markets. And also a requirement to have an
17 on-site agricultural inspector to make sure
18 that during the construction we don't make
19 permanent damage.

20 So I believe that the regulation
21 process that we have in place at this point
22 will provide enough information for the
23 office to take this in the context of
24 case-by-case and project-specific review and

1 approval process. And again, if we look at
2 the list of projects that have been approved
3 by the office, so far none of those
4 applications have significant adverse impacts
5 to farmland.

6 SENATOR HINCHEY: So I would argue
7 that that's actually incorrect, because my
8 second question is the fact that when I look
9 across my district, which is a lot of
10 farmland -- as you know, I represent five
11 rural counties -- what we're seeing is
12 there's actually very little care for
13 regional impacts, specifically around
14 farmland, but general regional impacts.

15 For example, in the Town of Coxsackie
16 alone, one town in Greene County, there are
17 10 solar projects sited. Two have been
18 approved, and the two of them take up
19 9 percent of the land of that town.

20 In Montgomery County, we are seeing
21 several multi-thousand-acre projects being
22 proposed in neighboring towns -- all
23 farmland.

24 So what we're doing is we're setting

1 up these areas to effectively be dead
2 counties. And so it would it seem to me that
3 the regulations that are in place right now
4 are not working.

5 But also I'd like to ask, on that
6 regional perspective, what is your agency
7 doing to look regionally to ensure that --
8 you know, I agree, we need more solar
9 development and we needed it five years ago,
10 if not longer. But what are we doing to look
11 at the regional impacts of communities so
12 that we're not disproportionately impacting
13 very specific regions, as I'm describing to
14 you now across my district? And it's
15 happening all over upstate New York.

16 ORES EXEC. DIRECTOR MOAVENI: So,
17 Senator, two points.

18 Point one, those projects that you are
19 referencing are not permitted under an
20 Office of Renewable Energy Siting regulatory
21 scheme or statutory scheme. So point one.

22 And point two is that at this point,
23 as I mentioned, the regulations that we have
24 were adopted, promulgated last year, and are

1 still like new. I'm not aware, again, as I
2 said, any of those projects to be reviewed
3 and permitted under Executive Law 94-c.

4 With respect to the second question,
5 with respect to evaluating cumulative impacts
6 of this project, yes, that's a -- I share the
7 same concern that we have to look at the
8 proposed pipeline and we have to look at the
9 project-specific and site-specific impact, as
10 well as look at the cumulative impact of each
11 and every one of those projects. So this is
12 part of, as I mentioned, a regulatory scheme
13 already that we will be requiring and we'll
14 be conducting a thorough evaluation on a
15 case-by-case basis.

16 SENATOR HINCHEY: Thank you. Yeah, I
17 look forward to working with you on that,
18 because what we're seeing playing out right
19 now is kind of antithetical to saving our
20 food supply and also keeping -- making sure
21 that our upstate towns are still viable.

22 I know I have very little time left,
23 but for the sake of possibly having an
24 answer, for Mr. Christian: Curious, any

1 details on the ConnectALL initiative that the
2 Governor has outlined? Really excited about
3 that. But what we've seen historically is
4 broadband money that has been allocated goes
5 to kind of further buildout or protecting
6 urban areas and less of the last mile.

7 So can you in very quick seconds
8 describe how that will go to more upstate
9 areas?

10 PSC CHAIR CHRISTIAN: Yes. We're
11 using the funds to pinpoint where broadband
12 investments need to be made, and we're also
13 supporting a \$30 a month permanent broadband
14 subsidy for low-income households. So in
15 addition to doing infrastructure where it's
16 needed most, we'll be providing funds to
17 individuals who need it to get that broadband
18 service.

19 CHAIRWOMAN KRUEGER: Thank you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 Now we'll go to Assemblyman Epstein.

22 ASSEMBLYMAN EPSTEIN: Thank you,
23 Chair.

24 And thank you all for being here and

1 sticking with us now just a couple of hours
2 in. We have some more time to go.

3 So I want to just follow up on
4 Senator Hoylman's point about the two
5 proposed CHP plants that are going to be in
6 our district, you know, that StuyTown has now
7 proposed, especially across the street from
8 Con Ed. What can we do now, since it doesn't
9 comply with their CLCPA goals, to ensure that
10 those plants won't come online?

11 NYSERDA PRESIDENT HARRIS: Well,
12 Assemblymember, I would say that my answer
13 with respect -- I must say I'm not a hundred
14 percent confident that NYSERDA is involved in
15 the second project, which I can seek to
16 confirm here.

17 But as a general matter, these
18 projects will need to advance consistent with
19 the CLCPA with respect to -- specifically
20 with respect to emissions goals and the like.

21 So there are -- there's a question of
22 fuel eligibility as it exists moving forward,
23 and then emissions considerations, which are
24 both going to be critical, I would say, with

1 these type of projects moving forward.

2 That said, I would say to the extent
3 that NYSERDA -- I would make the same
4 commitment to you that I had made earlier,
5 which is we will strongly engage to improve
6 those projects to the extent possible should
7 they both be supported by NYSERDA.

8 As to the permitting, of course, that
9 would be a different question altogether.

10 ASSEMBLYMAN EPSTEIN: Yes. Obviously
11 the DEC, we'll talk to them more about that.

12 NYSERDA PRESIDENT HARRIS: Yes.

13 ASSEMBLYMAN EPSTEIN: But I just want
14 to make sure that we have your commitment
15 that we will be engaged in a conversation,
16 because our community really opposes those
17 projects.

18 NYSERDA PRESIDENT HARRIS: Yes, you
19 have it.

20 ASSEMBLYMAN EPSTEIN: So I want to
21 talk to PSC just for a second, because I
22 wanted to -- you know, we've had a concern
23 around utility issues and utility shutoffs,
24 you know, now that the moratorium's expired.

1 How many people, do you know, are behind on
2 their utilities and risk a shutoff?

3 And the second question is in the
4 context of that, and the context of the
5 pandemic, I'm wondering what the logic and
6 the rationale was for a rate hike for people
7 who are obviously struggling already, which,
8 you know, can push people further into
9 poverty.

10 PSC CHAIR CHRISTIAN: I'll try to
11 answer your first question.

12 So the exact number of people, I don't
13 have that available at this time. I do know
14 that there's about 1.7 billion -- that's
15 billion with a B -- that is owed. And I'm
16 pretty sure that's over a million customers.
17 But I'll have to get that number verified and
18 get back to you on that.

19 In terms of addressing this issue, you
20 know, first off, there's a number of
21 protections already in place. I'm sure
22 you're already familiar with the Home Energy
23 Fair Practices Act, HEFPA, that already has
24 provisions for deferred payments and other

1 protections to ensure that disconnect doesn't
2 happen, specifically during winter when
3 people need heat. We have provisions in
4 place to ensure they don't lose that heat.
5 So that's kind of a founding principle.

6 The pandemic has resulted in the
7 creation of several additional protections,
8 one of which is bill payment assistance
9 programs, where we're actually providing
10 funds to help individuals pay their bills.
11 The second being a moratorium on customer
12 shutoffs.

13 ASSEMBLYMAN EPSTEIN: But the
14 moratorium doesn't exist anymore, it expired,
15 right?

16 PSC CHAIR CHRISTIAN: Correct. But
17 that was in place, and that's --

18 ASSEMBLYMAN EPSTEIN: I want to know
19 what we're doing going forward. You know, I
20 only have a few minutes, so I just want to
21 know what we're doing going forward to
22 protect people from shutoffs. And I really
23 do want to know why we wanted to do a rate
24 hike in the middle of this.

1 PSC CHAIR CHRISTIAN: Okay. So to
2 answer what we're doing going forward, we've
3 already moved forward to raise the budget for
4 the Energy Affordability Policy Program, so
5 that went up -- I want to say by 50 percent
6 from 200-odd million to a little over
7 \$350 million. And that's expanded
8 eligibility for individuals who can be a part
9 of that program as well.

10 And to address your other question
11 about rate hikes in a period of -- where
12 people are having affordability issues, it's
13 a delicate balance, ultimately. And I
14 recognize the sensitivity. We all at the
15 commission, and in the Department of
16 Public Service, recognize that.

17 But I want to highlight, again, when
18 we look at what utilities have requested,
19 meaning this is the ideal, what they think
20 they need to fund infrastructure growth, I
21 think the order of magnitude of that request
22 was well in excess of \$400 million.
23 Ultimately, the Public Service Commission in
24 2021 roughly approved 8 percent of that in

1 terms of rate increases.

2 So I want to stand firm with my
3 previous assertion that we have done
4 everything in our power as an agency to
5 mitigate the impacts on rates to customers by
6 aggressively reviewing and triaging what is
7 needed when it's needed most.

8 ASSEMBLYMAN EPSTEIN: I do -- I want
9 to be able to move on because I don't want to
10 run out of time here. So I just want to move
11 on to charging infrastructure.

12 Two things. One is just, you know,
13 spending government dollars on non-publicly
14 available charging stations that require a
15 paywall.

16 Two is really making sure that we're
17 putting chargers in, you know, places across
18 the state -- you know, but fast chargers,
19 Level 2 chargers.

20 And the three is like having usable
21 websites for consumers so they know where to
22 charge their vehicle.

23 So an example is, you know, if I'm
24 going -- and my district is in Manhattan, so

1 if I go to NYSERDA's website to find out
2 where there's a charger available, it doesn't
3 give me any information about whether it's
4 going to cost me \$5 or \$50 to charge my car
5 because there might be a paywall.

6 How can we get this information to the
7 consumer so they can have good choices about
8 being able to charge their vehicles?

9 PSC CHAIR CHRISTIAN: Okay, I will --

10 NYSERDA PRESIDENT HARRIS: Oh, I was
11 assuming that was for me, but please.

12 PSC CHAIR CHRISTIAN: No, well, I was
13 going to punt that.

14 (Overtalk.)

15 PSC CHAIR CHRISTIAN: But I'll stay
16 with it quickly. The EV Make-Ready program I
17 believe includes many of the things you have
18 just mentioned. I will personally need to
19 re-review; it's been a little while, and --

20 ASSEMBLYMAN EPSTEIN: It doesn't. It
21 basically -- you can basically have a
22 paywall. We can pay for a paywall so a
23 private garage, a paywall -- we basically
24 allow private developers, you know, companies

1 and buildings, to do that.

2 So I know I'm out of time. I really
3 would like to know, can we get a website that
4 works for the consumer? And can we ensure
5 that, going forward, our government dollars
6 will be used for publicly available charging
7 stations across our state so the public can
8 actually feel comfortable buying EV cars?

9 NYSERDA PRESIDENT HARRIS: Thank you.
10 That is the --

11 CHAIRWOMAN WEINSTEIN: The answer is
12 either yes or no. And if we could have a
13 quick yes or no and then move to the Senate.

14 NYSERDA PRESIDENT HARRIS: Yes. The
15 answer is yes. And specifically --

16 CHAIRWOMAN WEINSTEIN: Okay, so now
17 we're going to move on to the Senate.

18 NYSERDA PRESIDENT HARRIS: Yup.

19 CHAIRWOMAN KRUEGER: Okay. Thank you.
20 Sorry, we just have to keep rolling.

21 And our next Senator will be
22 Senator May.

23 SENATOR MAY: Thank you so much. I
24 have a few questions for each person on the

1 panel. The first one, for the PSC, I'm
2 interested in the ConnectALL initiative.
3 It's exciting. It's great that the Governor
4 and the President want to pour a lot of money
5 into getting everyone connected.

6 But we also know that the
7 United States has higher costs for internet
8 connectivity and cell service than a lot of
9 other countries do, and it's because of
10 consolidation and lack of competition.

11 So I want to know if you support
12 robust efforts to promote municipal networks
13 or communications union districts, like they
14 use in Vermont, to bring the costs down for
15 end users and promote access and economic
16 opportunity.

17 PSC CHAIR CHRISTIAN: So I assume that
18 was directed to me. I unfortunately am
19 uncomfortable answering that question, in
20 part because it's something that if it were
21 to appear before the commission, my answer
22 may bias the direction of that.

23 But what I will say is if that is
24 presented as an option to the commission,

1 it's something we would certainly consider.

2 SENATOR MAY: Okay. Thank you.

3 And then for the NYSERDA president,
4 I -- I'm really disappointed that this
5 Governor is continuing the practice of
6 sweeping funds from the Regional Greenhouse
7 Gas Initiative into the General Fund instead
8 of earmarking them for projects specifically
9 aimed at addressing climate change, for
10 example.

11 What is your feeling about that? And
12 would you support -- I have a bill that
13 passed through the Energy Committee to
14 prevent that from happening. Are you in
15 support of that?

16 NYSERDA PRESIDENT HARRIS: Thank you,
17 Senator. It is the case that we have the
18 transfer specifically for green energy tax
19 credits as part of the fund transfers that
20 you're referencing.

21 And the good news there is that is
22 used to support technologies like solar
23 adoption, which I think we would all agree is
24 critical to our decarbonization goals.

1 And then obviously the second piece --
2 that you're well familiar with -- is the
3 transfer to the DEC Environmental Protection
4 Fund that is to support projects that have
5 been identified for clean energy initiatives.
6 So certainly I'm sure Commissioner Seggos
7 would be glad to talk about the utilization
8 of those funds as such.

9 However, as a general matter, I am
10 pleased to say that I can say that these are
11 commitments that are consistent with the
12 Climate Act. And with revenues of
13 167 million or more projected under RGGI, we
14 have some -- we have a complement of programs
15 that I'm particularly proud of this year.

16 SENATOR MAY: But isn't it true that
17 23 million of that were taken out of the
18 environmental side of things in the budget?

19 NYSERDA PRESIDENT HARRIS: It's true.
20 It's -- certainly solar adoption is in line
21 with the RGGI regulations. So in that -- in
22 my view, it is in alignment both with the
23 Climate Act and the RGGI regulations as well.

24 SENATOR MAY: Okay. Let me ask you a

1 different question, which is about industries
2 developing in upstate New York. We want to
3 encourage that. But I'm very concerned that
4 our freshwater lakes, which are an
5 increasingly rare resource around the world
6 because they have immense cooling capacities,
7 I'm concerned that they're going to be
8 increasing targets for very energy-intensive
9 industries like bitcoin mining that don't
10 result in big job gains or major benefits to
11 local economies, but really use that resource
12 and contribute to greenhouse gas emissions.

13 Are there discussions about regulating
14 energy demand with respect to the public
15 benefit that comes from new projects?

16 NYSERDA PRESIDENT HARRIS: Well,
17 certainly I'll just say briefly we at NYSERDA
18 do not have a regulatory role regarding the
19 industry.

20 However, I will say with any new or
21 growing industry, and cryptocurrency included
22 within it, we certainly need to make sure
23 that this development complies with the
24 Climate Act, full stop. And so we need to

1 look at balance and at economic development,
2 job opportunities and other benefits, but to
3 also align with our efforts to reduce
4 greenhouse gas emissions.

5 SENATOR MAY: Okay. And then,
6 finally, I have a question for Mr. Moaveni
7 from the Office of Renewable Energy Siting.

8 You talked about robust public process
9 in making siting decisions, and that's
10 wonderful. But I am hearing about predatory
11 practices by solar and wind developers who
12 require nondisclosure agreements and
13 otherwise strong-arm landowners and their
14 neighbors to prevent open discussion of their
15 proposals.

16 Are you aware of this? Is this
17 something you're able to do anything about?

18 ORES EXEC. DIRECTOR MOAVENI: I'm not
19 aware of that. You know, I would appreciate
20 if we can discuss it offline. I certainly do
21 want to take this very seriously at ORES, so
22 yeah, please let me know. This is the first
23 time I'm hearing about it.

24 SENATOR MAY: Okay. Thank you very

1 much.

2 Thank you, Madam Chair.

3 CHAIRWOMAN KRUEGER: Thank you.

4 Assemblywoman Weinstein.

5 CHAIRWOMAN WEINSTEIN: We go to
6 Assemblywoman Lunsford.

7 ASSEMBLYWOMAN LUNSFORD: Thank you
8 very much.

9 So my first question is for
10 Mr. Christian. Earlier you mentioned burying
11 utility lines, which is speaking my language.
12 And I am wondering if you can tell us a
13 little bit more about that project, about
14 projected costs and timelines and how we
15 could leverage that to bury broadband fiber
16 at the same time.

17 PSC CHAIR CHRISTIAN: So to be
18 respectful of your time, I'm not in a
19 position to answer that question to the level
20 of detail I suspect you would want. I'm sure
21 you know that we -- burying these lines is an
22 important part for ensuring reliability.
23 Exactly how we're going to go about doing it,
24 again, as I mentioned earlier, is going to be

1 part of that work and investigation.

2 Happy to keep you apprised as we move
3 forward with that, but I can't provide much
4 more details than that at this time, I'm
5 sorry.

6 ASSEMBLYWOMAN LUNSFORD: Please do.
7 That is an important issue for me and my
8 district, so I would be very interested in
9 learning how we can be supportive of that.

10 For whoever can appropriately answer
11 this question, I am wondering if we have any
12 actual measurable projections on what our
13 energy needs will be over the next five, 10,
14 15 years as we electrify vehicles, as more
15 people convert their homes to electricity,
16 and how confident we are that our grid can
17 grow at the rate we need to support that
18 broader energy goal as it balloons.

19 NYSERDA PRESIDENT HARRIS: Yes, thank
20 you, Assemblymember. This is a topic
21 actually that was in part of our integration
22 analysis. And so I'm wanting to give you as
23 many details as I can.

24 When we look at the future -- again,

1 our 2050 future under the Climate Act -- we
2 see even with aggressively managed load --
3 i.e., efficiency to the maximum extent
4 possible -- we see electric consumption
5 doubling and the peak load nearly doubling by
6 2050. And because of this electrification we
7 also will see a future where that peak occurs
8 in the winter rather than in the summer. So
9 it is a fundamentally different grid,
10 certainly when we get to 2050.

11 And I can say, as part of the
12 assessment under the integration analysis,
13 we're well-positioned to ensure a reliable
14 grid in that 2050 future, not just with the
15 resources that we have today, but also with
16 new technologies that we see even being
17 adopted in Europe, as an example, such as
18 long-duration energy storage and hydrogen is
19 something we discussed today, all of which
20 can be utilized to help ensure a reliable,
21 resilient grid in those future years.

22 ASSEMBLYWOMAN LUNSFORD: Thank you.

23 And to piggyback a little bit off of
24 Senator Hinchey's questions about preserving

1 our farmland, would there be any reasons we
2 could not leverage our brownfields to serve
3 as land for solar expansion?

4 ORES EXEC. DIRECTOR MOAVENI: Is that
5 a question for me or President Harris?

6 ASSEMBLYWOMAN LUNSFORD: Whoever is
7 most appropriately suited to answer that.

8 ORES EXEC. DIRECTOR MOAVENI: Doreen,
9 you want to go first and then I'll go next?

10 NYSERDA PRESIDENT HARRIS: Of course,
11 certainly.

12 It's also a topic we are spending a
13 lot of time on, both with our NY-Sun program
14 and with the Build-Ready program that puts
15 NYSERDA in the seat of developer, advancing
16 projects on underutilized land. And both
17 have a strong disposition to utilize those
18 lands, such as brownfields, for solar
19 development, both with incentives and with
20 identification.

21 So if you have any brownfields in
22 mind, send them our way. We'd love to take a
23 look at them.

24 ASSEMBLYWOMAN LUNSFORD: Will do,

1 thank you.

2 NYSERDA PRESIDENT HARRIS: Thank you.

3 ORES EXEC. DIRECTOR MOAVENI: And I'll
4 just add, if I may very quickly, you know,
5 the office is not in the business of
6 necessarily advocating or promoting where
7 renewable energy projects can be deployed,
8 but Executive Law 94-c provides that any
9 facility that is proposed on underutilized,
10 generally describing it as lands used as
11 brownfields, the office is required to issue
12 a final siting permit within six months.

13 And that's -- from my perspective,
14 that would be, in practice, an encouragement
15 for developing these type of facilities in
16 New York State.

17 ASSEMBLYWOMAN LUNSFORD: All right,
18 thank you very much.

19 And I'll yield back my time.

20 CHAIRWOMAN KRUEGER: Thank you.

21 You know, a couple of my Senators went
22 off to committee meetings, so I think the
23 next up is Senator Borrello.

24 I'm sorry, are you there,

1 Senator Borrello? I don't see him
2 responding.

3 Let's move to Senator Jordan. I see
4 her.

5 SENATOR JORDAN: Thank you.

6 So this question is for Mr. Moaveni.

7 I have celebrated with certain
8 municipalities in my district in their ribbon
9 cuttings for solar fields because they wanted
10 them. And there are other municipalities in
11 my district that are fighting against large
12 solar fields.

13 How is ORES handling the siting of
14 large solar fields in municipalities where
15 they really aren't wanted and don't fit in
16 with their zoning laws? The localities I'm
17 speaking of look at this as an overreach of
18 big government and not accepting the will and
19 the vision of the local government and the
20 people that live there.

21 How is ORES handling this?

22 ORES EXEC. DIRECTOR MOAVENI: To
23 answer the question, Senator, we have the
24 best communities in New York State, and they

1 deserve the best form of government and the
2 best public servants. So from my
3 perspective, which I've experienced this very
4 specific issue you just raised firsthand
5 throughout my career, I believe that the key
6 to a successful siting process is prepared
7 local governments and well-informed
8 communities.

9 Building local support for major
10 renewable energy facilities is just as
11 important as getting ORES approval, if not
12 more important. And the Executive Law 94-c
13 and its implementing regulation provide
14 multiple opportunities for local governments
15 and -- for meaningful engagement with local
16 governments and public participation.

17 Just really to outline a few
18 provisions that we have in our statute and in
19 the regulations, one is no application will
20 be deemed complete by the office without
21 proof of meaningful engagement with local
22 governments and having meaningful public
23 participation.

24 Second is the office requires

1 applicants to reach out to local government
2 and communities -- as I mentioned, before an
3 application is submitted, so we can discuss
4 the scope of the projects and for an
5 applicant to learn more about specific issues
6 and concerns at the local level and try to
7 address them.

8 The next part of that would be each
9 applicant is required to provide funding so
10 that local governments and communities can
11 participate in the siting process. The
12 office is required to put together a draft
13 permit which is based on an application that
14 would be submitted. One of the specific
15 exhibits that we have in our application
16 would be outlining steps that an applicant
17 has taken to engage with local government and
18 address the issues, so as with our local
19 community members.

20 So I can go on and on about the
21 subsequent steps in the process, but we
22 believe that local government participation
23 and community engagement in this whole
24 process is super-important, and we are taking

1 it very seriously in our application review
2 and issuing final permits for these
3 facilities.

4 SENATOR JORDAN: That's all, you know,
5 well and good. And I understand the process.
6 I've been watching a town go through this
7 process and, you know, it's been a
8 back-and-forth between the solar company and
9 the officials in the town as well as many,
10 many residents who are against it. And they
11 feel that this is still just going to come
12 down on them whether they want it or not.

13 And, you know, they're looking at
14 trying to get an acceptable plan. However,
15 it's really something that's not wanted in
16 this small rural scenic town. And, you know,
17 in the end is 94-c going to just knock out
18 what the local government and most of the
19 residents want?

20 ORES EXEC. DIRECTOR MOAVENI: So I
21 think again, as the final decisionmaker of
22 this office, I cannot -- without, you know,
23 knowing all the information and based on
24 basically all the information and required

1 specific findings that we have on the facts
2 to make a general statement that yes, we
3 will, or we will not.

4 I mean, that -- as I mentioned, this
5 is something that we will consider on a case
6 by case and based on the project's specific
7 facts, you know, containing all the necessary
8 site-specific conditions and concerns, and in
9 light of CLCPA targets and environmental
10 benefits of these facilities.

11 SENATOR JORDAN: Right. So in the end
12 what you're saying is you will consider all
13 of this, but in the end you have the final
14 say.

15 ORES EXEC. DIRECTOR MOAVENI: We have
16 staff -- like, you know, Executive Law 94-c
17 provides that the Office of Renewable Energy
18 Siting can only issue a final siting permit
19 if the proposed facility would comply with
20 all applicable local laws and regulations.

21 In making that determination, the
22 office may elect not to apply in whole or in
23 part any local laws if the office can make a
24 finding that it's unreasonably burdensome in

1 light of the CLCPA targets and environmental
2 benefits of the facility.

3 So we will, you know, comply -- fully
4 comply with our statute and regulations. As
5 I mentioned, this is something that I believe
6 we are going to be able to evaluate and make
7 appropriate determinations on a case-by-case
8 basis.

9 SENATOR JORDAN: Okay. Even when
10 local zoning laws say that 10 acres -- you
11 can't have a solar farm more than 10 acres,
12 and yet there's hundreds of acres proposed.
13 I would think that would be an automatic,
14 like, no for a solar field larger than
15 10 acres.

16 CHAIRWOMAN KRUEGER: I'm afraid we're
17 out of time --

18 ORES EXEC. DIRECTOR MOAVENI: Go
19 ahead.

20 CHAIRWOMAN KRUEGER: I'm sorry, can
21 you answer that as a yes/no question for the
22 Senator?

23 ORES EXEC. DIRECTOR MOAVENI:
24 Unfortunately, much as I wanted to answer yes

1 or no, that's not a yes or no answer.

2 SENATOR JORDAN: Thank you.

3 CHAIRWOMAN KRUEGER: All right, so
4 we'll need to take that offline or maybe
5 someone else will ask it later. Thank you
6 very much.

7 Assemblywoman Weinstein.

8 CHAIRWOMAN WEINSTEIN: We go to
9 Assemblywoman Kelles.

10 ASSEMBLYWOMAN KELLES: Hi, good
11 morning. I'm just going to jump right in,
12 given the time constraints.

13 Two quick comments, one to
14 Chair Christian.

15 I very much appreciate the
16 EV Make-Ready program. My one concern is the
17 focus on incentivizing private investments,
18 which is pretty much what we've done with our
19 broadband up to now. And there has been a
20 difficulty, of course, given the for-profit
21 model, to get to the most rural areas. So
22 I'd love to see this program also incentivize
23 nonprofits and municipal governments from
24 participating in this.

1 And to President Harris, with all due
2 respect, with respect to RGGI, in follow-up
3 to Senator May's comments, the existence of
4 the tax credits predate the CLCPA and RGGI.
5 So in pulling 23 million every year --
6 totaling over 200 million to date -- from
7 RGGI does deprive disadvantaged communities
8 of significant funds in direct investments
9 that is required by the CLCPA that was
10 created after these credits were put in
11 place. So I just wanted to make that point.

12 And then back to Chair Christian, how
13 many jobs, if any, have cryptocurrency mining
14 projects created in New York State?

15 PSC CHAIR CHRISTIAN: I do not know
16 the answer to that question.

17 As I stated earlier, we do not
18 regulate the mining activities themselves or
19 cryptocurrency. Our regulation extends only
20 to power production in that context. But I'm
21 not aware of the number of jobs that industry
22 has created in New York.

23 ASSEMBLYWOMAN KELLES: Right. But
24 part of the review of the application is what

1 the benefit is to the community. So if it is
2 using a significant amount of energy, it is
3 increasing ratepayers' bills but it's not
4 making any jobs. That would be a
5 consideration, would it not?

6 PSC CHAIR CHRISTIAN: Yes, I believe
7 so. Again, I'd have to look at those
8 directly.

9 The issue with cryptocurrency, to my
10 knowledge, is largely its potential effects
11 on our emissions portfolio overall, and
12 that's where much of my attention has been
13 paid in understanding the issue and figuring
14 what engagement and actions the PSC can
15 actually take on that matter.

16 But to the specific level of number of
17 jobs created or things like characteristics
18 like that, I'm simply not as informed.

19 ASSEMBLYWOMAN KELLES: Yeah, I would
20 love to see a more comprehensive evaluation
21 given that, you know, we only have so much
22 renewable energy we can produce, we have so
23 much energy demand. Any energy demand that
24 consumes what benefits it gives back to the

1 community are really important. And if it's
2 a very small amount of jobs for the amount of
3 energy it uses, I think that's really
4 important.

5 But thank you so much.

6 And to President Harris, what is the
7 status of our renewable energy to meet
8 existing demands? And has there been an
9 assessment to see if renewables can meet our
10 existing needs plus the cryptocurrency as it
11 expands? Right now, by the end of this year
12 I think the estimate is about 1.5 gigawatts
13 of energy will be used for cryptocurrency
14 mining, which fuels about 800,000 homes. So
15 just giving the scope of it.

16 NYSERDA PRESIDENT HARRIS: Yes, thank
17 you, Assemblymember.

18 I would say in the first instance your
19 question had asked how much renewable is
20 serving New York now. Is that correct?

21 ASSEMBLYWOMAN KELLES: Yes, correct.

22 NYSERDA PRESIDENT HARRIS: So most
23 recently -- our most recent progress report
24 indicates about 27 percent of our electricity

1 is renewable that serves New York at this
2 point.

3 ASSEMBLYWOMAN KELLES: So same as last
4 year. About 4 percent of that being from
5 solar and wind, most of that being from
6 hydroelectric to date.

7 NYSERDA PRESIDENT HARRIS: That's
8 correct.

9 With respect to the impact of crypto
10 on load, and notably as to the utilization of
11 renewables, it's for the exact reasons that I
12 described earlier. The fact that when we
13 look at new industries we certainly look at,
14 on balance, what they offer with respect to
15 energy efficiency -- back to the things you
16 know better than many. Proof of work versus
17 proof of stake is a good example in crypto
18 terms, but also how many jobs, what is the
19 economic development opportunity associated
20 with it.

21 Because it is true, just sort of back
22 of the envelope, there could be a very
23 significant impact on New York's load
24 resulting from crypto, depending on the

1 penetration of the resource.

2 ASSEMBLYWOMAN KELLES: Thank you.

3 And back to you, Chair Christian. Has
4 the PSC examined any next-use possibilities
5 for natural gas infrastructure to lower the
6 cost of decommissioning those facilities,
7 like using the pipes for hydrogen
8 distribution or for even broadband fiber
9 lines, for example?

10 PSC CHAIR CHRISTIAN: Yes, we are
11 investigating different options for reusing
12 different types of infrastructure, aligned
13 with the needs of the clean energy future
14 envisioned by the CLCPA. Those are ongoing.

15 I want to cite the power grid study
16 which was released -- I want to say last
17 year, as an example of a study that we've
18 recently done on that matter. And I think
19 over the next few years you're going to see
20 quite a few more highlighting different
21 opportunities in the form of white papers or
22 studies either directly from DPS or in
23 partnership with other agencies.

24 ASSEMBLYWOMAN KELLES: Wonderful. And

1 I will check that out.

2 So I want to -- one more comment and
3 one more question. It would be really
4 helpful, I think, to have a study to see
5 where sufficient {Zoom interruption} excess
6 solar, wind and water power exists -- I'll
7 repeat that. To have a study to see where
8 excess solar, wind and water power exists to
9 do the generation of hydrogen in a green way
10 with renewable energy infrastructure. I'd
11 love to see that put in place. I'm a little
12 concerned, if we do massive expansion of
13 hydrogen, that we make sure it's renewable
14 energy from renewable energy.

15 And then the one question, what --

16 CHAIRWOMAN WEINSTEIN: Excuse me,
17 Assemblywoman.

18 ASSEMBLYWOMAN KELLES: I'm sorry, I'm
19 out of time.

20 CHAIRWOMAN WEINSTEIN: Yup, you've
21 used your question time up.

22 ASSEMBLYWOMAN KELLES: I will ask
23 privately offline. Thank you so much.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 That's fine.

2 So we turn it over to the -- back to
3 the Senate.

4 CHAIRWOMAN KRUEGER: Good catch,
5 Helene. Thank you.

6 Next to Senator George Borrello, who
7 we did find, yes.

8 SENATOR BORRELLO: Yes, thank you,
9 Madam Chair. I appreciate that.

10 This question is directed to
11 President Harris. Thank you very much for
12 joining us here.

13 I have major concerns with the idea of
14 building offshore wind in our freshwater
15 lakes, Lake Erie and Lake Ontario. When I
16 posed the question previously to the head of
17 NYSERDA about the study that was underway
18 that NYSERDA was sponsoring, he actually
19 didn't have -- wasn't aware of it, quite
20 frankly. So it was very troubling to me that
21 there is a study underway, and I've heard
22 nothing about the study.

23 I wonder if you could update me on
24 where we are with this offshore wind study

1 for the Great Lakes, particularly Lake Erie
2 and Lake Ontario, and where we are in that
3 process right now with that study.

4 NYSDERDA PRESIDENT HARRIS: Certainly.
5 And we have been hard at work in advancing
6 the study that was actually required by
7 Public Service Commission order in 2020.

8 We anticipate actually delivering that
9 study over the summer to the commission
10 for -- or to the public for consideration,
11 according to the schedule laid out in the
12 order.

13 We have been hard at work really
14 looking at the resource from multiple
15 factors. I'd say -- it's known as a
16 feasibility study, so it's an initial
17 screening of the potential that it may
18 provide.

19 As part of it we have had a number of
20 public meetings and have engaged with a
21 number of stakeholders one on one. I'd
22 personally be glad to meet with you directly
23 if you have specific questions. But I would
24 say the level of engagement has been

1 extensive throughout the year, and I
2 personally am looking forward to the study's
3 findings as well as any next steps it may
4 recommend.

5 SENATOR BORRELLO: Thank you. I did
6 participate in some of those public meetings.

7 I do have some concerns, though. I
8 looked at the list of people that are working
9 on this study, and I don't see anybody that
10 actually has any interest outside of green
11 energy, quite frankly.

12 You've got a lot of engineers and
13 people that are involved in green energy and
14 potentially people that are representing
15 companies that could profit from an offshore
16 wind project in Lake Erie, but I don't see
17 anybody that knows anything about hydrology,
18 about, you know, waterfowl or the ecology of
19 the lake. I don't see anybody that actually
20 knows about our fisheries that are -- which
21 are critically important to our area. And
22 certainly the fact that we have 11 million
23 people that draw their drinking water out of
24 Lake Erie alone.

1 So how can you make a fair assessment
2 to deliver to the PSC if you don't have a
3 balanced approach to who's analyzing this
4 information?

5 NYSERDA PRESIDENT HARRIS: Totally
6 agree.

7 This study is comprehensive in the
8 sense that it is -- it's evaluating, to your
9 point, environmental, maritime, economic,
10 social issues as well as the economic
11 opportunity and of course the grid
12 opportunity as well.

13 We have a series of consultants that
14 are working with us, including those that are
15 experts in the fields that you had
16 identified. And I want you to know when we
17 think about the resource, we are doing so
18 comprehensively.

19 SENATOR BORRELLO: Well, I'd like to
20 see a list of those consultants. Because
21 nobody on the list of people that appears in
22 the study are actually anything other than
23 experts on green energy. And that is very
24 troubling because they obviously have a -- I

1 would consider a slanted view of how this --
2 what the outcome of this should be.

3 So that's -- and let me also say that
4 we don't know what's at the bottom of
5 Lake Erie, but I can tell you it's nothing
6 good, and it's been covered up. You know,
7 our industrial past, the fact that Lake Erie
8 was declared a dead lake in the 1970s because
9 of the toxic waste that was dumped into it
10 for decades, the last thing I think we need
11 to do is dig up the bottom of that lake and
12 release those toxins back into the drinking
13 water of 11 million people.

14 So the fact that you have people that
15 are essentially only pro this project on this
16 study is very troubling, and I would
17 seriously ask you to strongly consider
18 changing out some of these folks so we get a
19 more balanced approach.

20 But I appreciate your response,
21 though. And --

22 NYSERDA PRESIDENT HARRIS: Thank you.

23 And we --

24 SENATOR BORRELLO: -- moving along

1 quickly to another topic now.

2 NYSERDA PRESIDENT HARRIS: Yup.

3 SENATOR BORRELLO: Right now Western
4 New York, where I live -- it used to,
5 actually, be energy independent, until the
6 closing of the two power plants in Western
7 New York. We now import power from some of
8 the dirtiest old-fashioned coal plants in
9 America, places like Homer City,
10 Pennsylvania.

11 So how do you rectify the fact that
12 New York is now importing more power than it
13 ever has from some of the dirtiest sources of
14 power in America? How will that -- how are
15 you going to become a -- you know, whether
16 it's 70 by '30 or 100 percent renewable, if
17 we're building more pipelines, if you will,
18 to import power, instead of just saying we're
19 actually going to truly be renewable, how
20 does that work? How does that work when
21 we're building new power lines right now to
22 dirty old-fashioned coal plants?

23 NYSERDA PRESIDENT HARRIS: Thank you,
24 Senator. One thing that we look at every

1 year is actually what is contributing to our
2 consumption. That's the goal of the
3 Climate Act, is how are we consuming energy
4 here in New York.

5 So we do import in two ways. We
6 import primarily from Quebec, which is
7 primarily hydropower, as one would expect,
8 renewable hydropower. I think that was about
9 7 percent of our load that was served by
10 renewables from Quebec.

11 And then we do import about 6 percent
12 of our load from PJM to our south and to our
13 west.

14 And ultimately that is reflected in
15 the achievement of our goals. This is all
16 embodied in our accounting. And as the mix
17 of resources in Pennsylvania shifts, so will
18 our accounting thereof.

19 As of now, I think it's actually --
20 the majority is natural gas and nuclear, with
21 a smaller amount of coal. But so you know,
22 this is all accounted for.

23 SENATOR BORRELLO: Right. But the
24 bottom line is it's a shell game. You're

1 importing power and saying we're green here
2 at the source. That's the troubling part.
3 That's not a real commitment to actually
4 doing it, it's actually a commitment to
5 pretend that we're doing it.

6 But thank you anyway.

7 NYSERDA PRESIDENT HARRIS: Thank you.

8 CHAIRWOMAN KRUEGER: Thank you.

9 Assembly.

10 CHAIRWOMAN WEINSTEIN: Next we have
11 Assemblyman Otis.

12 ASSEMBLYMAN OTIS: Thank you, Helene.

13 And I have a few hot issues, and I'm
14 going to move quickly.

15 Chairman Christian, I would -- thank
16 you for your testimony. Would like to offer
17 some help in terms of promoting a
18 multi-agency discussion about broadband and
19 digital equity. And it sort of goes like
20 this. A lot of the emphasis has been on
21 broadband mapping and what we're going to do
22 in terms of broadband deployment.

23 But to reach those excluded from the
24 digital world, digital literacy, we need to

1 be upgrading our commitment to digital
2 inclusion programs, a model that is being
3 used successfully on a grassroots level in
4 New York State and around the country.

5 And would like to -- I think the
6 obvious point is, and there's a survey that
7 is going on now by a different state agency I
8 think to analyze where we have gaps. But
9 people that really are not digitally -- don't
10 have digital access can't really participate
11 to that. We need to be able to reach those
12 folks.

13 So I make an offer -- I am chair of
14 the Science and Technology Committee in the
15 Assembly -- to try and work with a few of the
16 state agencies to try and promote the digital
17 inclusion model and get that more robustly in
18 your broadband analysis.

19 And I'll take comments from either of
20 you on that, since you both nodded, and then
21 I'll move on to some other topics.

22 PSC CHAIR CHRISTIAN: I'll start. I'd
23 welcome the opportunity to engage in that.
24 Anything we can do to increase awareness and

1 engagement is something I want to prioritize.
2 So I'd be happy to talk about this further
3 with you and see where it goes.

4 ASSEMBLYMAN OTIS: That is great.
5 That is great.

6 Moving to the cryptocurrency
7 proof-of-work mining issue. You know, the
8 issue -- it points up something that we're
9 going to have to keep a track on, which is
10 unanticipated energy demands that really
11 throw away our ability to meet our climate
12 change goals.

13 And, you know, in the same way that
14 the federal government outlawed gas guzzlers
15 many years ago, we need to look at activities
16 to see if the efficiency paradigm is being
17 applied to new activities. And clearly in
18 the cryptocurrency world there are efficient
19 ways to do authentication and there are
20 inefficient ways to do authentication.

21 And so, Chairman Christian, on that
22 issue, one piece of this is the Public
23 Service Commission currently regulates after
24 the meter, when the energy is produced and in

1 the grid and in to customers.

2 Could you give some thought to looking
3 at whether we should do legislation that
4 would give Public Service Commission some
5 purview over the behind-the-meter activity,
6 whether it's for proof-of-work mining or
7 other kinds of things that we don't even
8 anticipate now, to make sure that as a state
9 we're on top of energy uses that could be
10 inefficient?

11 PSC CHAIR CHRISTIAN: You've raised
12 some important points. And I can't comment
13 on the need for regulation or legislation or
14 even what shape or form that should take.
15 I'm not in a position to make comments on
16 that, unfortunately.

17 What I can say is that we are looking
18 at the crypto issue, as I mentioned earlier.
19 Your statement about the difference
20 between -- I want to say it's proof of stake
21 versus proof of -- I forget what the analogy
22 is. But yes, there's a difference in energy
23 intensity, but there's also a concern that
24 one is not as robust from a security

1 perspective.

2 So ultimately, from my perspective, I
3 look at crypto as one of many different
4 industries that are in New York. In terms of
5 our authority to regulate the mining itself,
6 again, we do not have that authority.
7 However, the authority we do have extends to
8 our ability to minimize the rate impacts that
9 such companies may have on our customers.

10 And, you know, forgive me, I'm trying
11 to recall a specific example from some
12 documents I've read recently, but I know in
13 some municipal areas crypto mining has
14 accounted for almost 33 percent of the
15 utility's load, and in those areas we have
16 authorized or we have worked with utilities
17 to put forward changes in rates that will
18 minimize the negative impacts on the
19 residents of those communities as
20 crypto mining comes into play.

21 ASSEMBLYMAN OTIS: That's great. I'm
22 sorry to interrupt, but I have limited time
23 and I want to hit one more topic --

24 PSC CHAIR CHRISTIAN: Sure.

1 ASSEMBLYMAN OTIS: -- with President
2 Harris.

3 We're actually having a hearing on
4 November 10th on EV charging stations, and
5 hopefully both of your agencies will
6 participate in that, because there's a good
7 story to tell in terms of some of the
8 rollout.

9 But to follow up on Assemblyman
10 Epstein's comments, there is a big concern
11 about the lack of public access to charging
12 locations and the lack of visibility of
13 charging stations as an impediment to people
14 having a comfort level to buy electric
15 vehicles. So we'd like to have a more
16 in-depth discussion about the deployment
17 process in a visible way and get any comments
18 from you today on that, but hopefully see you
19 on November 10th.

20 And one other topic, which I want to
21 not let you talk about EV charging stations,
22 but solar on schools. It seems that NYSERDA
23 has had a program for many years for solar on
24 schools. It seems underutilized. It seems

1 that we should be pressing that more because
2 we could be do a lot more on rooftops and
3 school buildings.

4 CHAIRWOMAN WEINSTEIN: Thank you,
5 Assemblyman.

6 And back to the Senate.

7 CHAIRWOMAN KRUEGER: Thank you very
8 much.

9 And I think we are up to Senator
10 Sue Serino.

11 SENATOR SERINO: Thank you,
12 Madam Chair.

13 My question is for Chair Christian.
14 And I apologize if this was already asked,
15 but my office has been getting countless
16 calls from frustrated energy consumers who
17 are being hit with massive bills due to
18 billing errors.

19 And my understanding is that some of
20 the electric companies may have switched
21 their billing vendors, so consumers were not
22 getting bills for months and getting hit with
23 a huge bill later. Like there was an example
24 of somebody that their bill was \$300 every

1 month and then they got hit with a bill that
2 was thousands of dollars.

3 And a lot of folks are living paycheck
4 to paycheck. And, you know, I understand
5 that some people are getting the payment
6 plans and the like, but this is incredibly
7 unnerving that this has occurred on the scale
8 it seems to have happened on. So, you know,
9 like I said, a lot of my folks live on fixed
10 incomes and it's just not acceptable.

11 So what is the PSC doing on this issue
12 in regards to consumer protection? And
13 what's your response to the folks who are
14 really struggling because of this issue?

15 PSC CHAIR CHRISTIAN: So first off,
16 you know, we take seriously any energy
17 provider's efforts to serve customers in
18 New York. And we've had, over the history of
19 the PSC, several proceedings discussing the
20 role, oversight and existence of ESCOs,
21 energy service companies in the state. So
22 that's an ongoing matter that's a high
23 priority of the commission that we
24 aggressively look towards and monitor.

1 You know, we investigate claims
2 aggressively. So if any customers have
3 issues with energy service companies, happy
4 to investigate those if they notify us.
5 Unfortunately, that's usually how we discover
6 there are issues, we are notified.

7 Regarding the -- though you didn't say
8 this, I'm wondering if your question also
9 relates to an ongoing billing issue with
10 certain customers in Central Hudson's service
11 territory. Is that -- okay. So that's
12 another issue that we are very much aware of.
13 In fact, I have two friends who have been
14 personally affected by that who have shared
15 some of their trials and tribulations with
16 me. So we definitely looked into that.

17 We know Central Hudson is working to
18 correct the issue, and I believe in the
19 intermediate phase they have suspended late
20 payment charges and they are absolutely not
21 disconnecting consumers for nonpayment.

22 So, you know, the two priority things
23 to focus on, those have been dealt with.

24 In terms of addressing the situation

1 going forward, you know, our staff is going
2 to continue to monitor the situation until
3 the billing issue is itself addressed. And
4 ultimately customers that are affected by
5 this, they should be -- we're ensuring that
6 provisions allow for them to make periodic
7 payments and not a big lump sum payment. I
8 know it would be a shock to me if I didn't
9 get a bill for several months and then I did
10 and it was five times higher than what I
11 would have expected for a single month.

12 So we're trying to ensure that
13 customers are protected in that way. And,
14 you know, we're working with Central Hudson
15 and the other providers to ensure that those
16 protections are in place and that customers
17 can manage the situation as it develops.

18 SENATOR SERINO: I just hope it gets
19 done soon, as I'm sure that you do too,
20 because the calls that we're getting are
21 just -- you know, folks are devastated. And
22 especially now with the cost of everything
23 rising.

24 I used to get calls a lot from

1 seniors, which we still do, but now we're
2 actually getting them from young families too
3 that are just panicking. So it's something
4 that I'm glad that you're aware of and it
5 sounds like you're working on, and so that's
6 great.

7 Thank you very much, Chair.

8 PSC CHAIR CHRISTIAN: Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.
10 Assembly.

11 CHAIRWOMAN WEINSTEIN: We go to
12 Assemblyman Carroll.

13 ASSEMBLYMAN CARROLL: Thank you so
14 much, Chair Weinstein.

15 And thank you, Chair Christian and
16 President Harris and Executive Director
17 Moaveni, for your testimony today.

18 What I am interested in and concerned
19 about is New York reaching its goals set
20 forth in the CLCPA. As you all are very
21 aware of, you know, we get about 6 percent of
22 our energy in New York State from wind and
23 solar. The only reason we're not pumping
24 more carbon into the air is because of

1 generational hydroelectric dams in upstate
2 New York, very old nuclear power in
3 Lake Ontario. And I know that we're going to
4 have a lot of new renewables come online in
5 the next few years.

6 However, I don't believe it will be
7 enough. And I want to ask all of you, why
8 are we handcuffing the New York Power
9 Authority? Why in this budget are we not
10 saying, Let's open up the doors, we have
11 interconnectivity issues throughout the state
12 where we've got solar and we've got wind, and
13 we're not getting downstate. Why don't we
14 use the power of NYPA to get it downstate?

15 We've got projects that are having
16 trouble getting off the ground. Why aren't
17 we allowing NYPA to own and operate
18 generation stations over 25 megawatts? This
19 seems completely counter to the CLCPA.

20 And then it's just mind-boggling that
21 still, in 2022, we are subsidizing fossil
22 fuels at \$1.5 billion when we could be
23 putting that money, again, into NYPA to get
24 us to reach our goals.

1 So I get that that's a compound
2 question. But, you know, we have got
3 6 percent wind and solar. I don't think that
4 we're going to reach these goals of
5 70 percent just with Long Island wind.

6 NYSERDA PRESIDENT HARRIS: Thank you,
7 Assemblymember. I appreciate it.

8 And I -- I'll save you my optimism
9 about the pipeline of projects, but suffice
10 it to say I feel really good about where
11 we're positioned now with the projects that
12 are moving forward.

13 However, it is also true and I do
14 agree that it's going to take all hands on
15 deck, including the force that is NYPA, to
16 help us responsibly and timely reach our
17 goals, for sure.

18 So we see great private market
19 response to the demand that we've established
20 through the Climate Act, and I'm particularly
21 encouraged by the roles that NYPA is playing
22 now, notably with respect to transmission
23 development -- as a great example,
24 involvement in a number of notable

1 projects across the state -- as well as
2 owning and operating renewables for their
3 public customers as well.

4 ASSEMBLYMAN CARROLL: But Ms. Harris,
5 why not right -- so why is it -- if it's good
6 for the goose, why not the gander? If it's
7 good for public entities, why aren't we
8 unleashing NYPA into the private market, into
9 the residential market?

10 NYSERDA PRESIDENT HARRIS: So my point
11 of view is we have significant market
12 response from the private sector in renewable
13 energy development -- in fact, a pipeline far
14 in excess of our goals at this point. And my
15 point of view is that NYPA is serving an
16 equally critical role in the roles that they
17 have assumed already.

18 ASSEMBLYMAN CARROLL: But so -- but
19 what? And maybe I'm ignorant. I'm ignorant
20 to lots of things. What -- why are we coming
21 up with arbitrary caps on NYPA? Why can't
22 they own and operate renewable generation
23 over 25 megawatts? Why aren't we letting
24 them have a jump ball, so to speak, for

1 interconnectivity, so that we can actually
2 connect the power downstate -- because these
3 are huge problems right now. And NYPA right
4 now can't do anything.

5 Why wouldn't we -- if we -- I'll take
6 your premise that the private market is
7 chockful of pipeline-ready projects. Why
8 don't we let NYPA jump into that stream and
9 be a player?

10 NYSERDA PRESIDENT HARRIS: So as I see
11 it, the private market is doing what it
12 should and the public sector is doing what it
13 should at the scale we need to reach our
14 goals.

15 ASSEMBLYMAN CARROLL: So are you
16 saying that you think that it is appropriate
17 for NYPA to play no larger role than it
18 currently has as it is, you know, written out
19 in legislation and policy?

20 NYSERDA PRESIDENT HARRIS: What I
21 would say is the framework that we have built
22 is working well. That would be my point of
23 view as to my assessment of the market.

24 ASSEMBLYMAN CARROLL: And you believe

1 optimism is very rose-colored. And it seems
2 completely counterintuitive and
3 counterproductive to not say let's at least
4 unleash NYPA so that we have all hands on
5 deck, like you said we must have. Because it
6 doesn't seem like the private sector really
7 is building enough renewable energy to meet
8 the goals that the Legislature set out.

9 CHAIRWOMAN WEINSTEIN: Thank you,
10 Assemblyman.

11 We'll move to the Senate.

12 CHAIRWOMAN KRUEGER: Thank you very
13 much.

14 We move to Senator Tom O'Mara, who is
15 the ranker on Finance, and so he gets
16 10 minutes.

17 SENATOR O'MARA: Thank you,
18 Chairwoman Krueger and Chairwoman Weinstein,
19 for your excellent work on these hearings.

20 I want to follow up on where
21 Assemblyman Carroll left off. And I'm
22 looking right now at the New York ISO fuel
23 mix chart. Assemblyman Carroll is right on
24 point. Currently there's 51 percent of our

1 energy being supplied by natural gas, which
2 is 18 percent of it, and 33 percent of it is
3 dual fuel, which is natural gas and other
4 fossil fuels. Hydro is about 18 percent;
5 nuclear is about 22 percent. Wind is
6 6.5 percent, and other -- which includes
7 solar -- is less than 2 percent.

8 You know, we are talking about
9 grandiose plans in this climate Green
10 New Deal that we're working on, and frankly
11 I'm stunned, Ms. Harris, by just hundreds of
12 millions of dollars of costs rolling off your
13 tongue like it's nothing. We are nowhere
14 close to being able to meet these demands.

15 Already on our utility bills, between
16 a variety of charges such as the SBC, the
17 RPS, ZACs {ph}, MFCs, CES, RECs, ORECs --
18 making up a substantial portion of the
19 delivery cost to utilities to ratepayers
20 across New York State.

21 Now, with the new transmission lines
22 that you're talking about, the TDI and the
23 Clean Path, the Tier 4 ratepayer costs on
24 these are going to add, from my

1 understanding -- although you're all hiding
2 it very well from the public -- the
3 additional cost to ratepayers to get
4 electricity downstate, upstate ratepayers are
5 going to be paying residentially 5 percent or
6 more increases on their utility bills.
7 Businesses, up to 20 percent or more on their
8 utility bills.

9 Can you explain to me how this is in
10 any way feasible or rational to do on upstate
11 New York ratepayers to get electricity to
12 downstate where it's needed?

13 NYSERDA PRESIDENT HARRIS: Thank you,
14 Senator. I'll try to build on my prior
15 statements in the hopes that -- you know,
16 perhaps it may make sense for Chair Christian
17 to also weigh in as to his and the
18 commission's oversight of issues of cost.
19 Which I assure you, I share the strong
20 disposition to take them seriously in every
21 decision that is made. And notably, the
22 commission should speak to that as to the
23 robustness of our assessments.

24 But as a general matter, what we see

1 generally is an investment, an investment in
2 the transition that the Climate Act
3 necessitates and I would say that the world
4 requires as a general matter.

5 And when we look at the benefits of
6 these investments, they outweigh the costs.
7 So -- when we look at it on a societal basis.
8 So that's why --

9 SENATOR O'MARA: What are the societal
10 benefits you generally talk about that are
11 going to cost us hundreds of billions of
12 dollars? When we account for, in New York
13 State, 0.4 percent of global emissions
14 that -- when we eliminate those to zero,
15 which I'm in support of going towards and
16 getting to, in a reasonable and rational
17 process that we can afford, and not devastate
18 our economy and the affordability of New York
19 State in the process.

20 We need to do it in a rational way.
21 That 0.4 percent, if we eliminate it
22 completely, we'll have no impact on the
23 global climate that is causing the major
24 disasters that we deal with that we're trying

1 to address with our clean energy programs.

2 We should be putting money into
3 resiliency rather than this clean energy pie
4 in the sky, because we're going to have no
5 impact on what the global climate is in
6 New York State by eliminating our 0.4 percent
7 of emissions.

8 NYSERDA PRESIDENT HARRIS: Thank you,
9 Senator.

10 To directly answer your question, when
11 we look at benefits, we're looking at of
12 course avoided greenhouse gas emissions in
13 the first instance, but also healthful
14 benefits to society. So by that we talk
15 literally about life, what are we saving in
16 light of people's health and in their lives
17 themselves.

18 And of course when we look at
19 benefits, we look at economic benefits. To
20 your point, when we deliver renewables from
21 upstate New York into New York City, it comes
22 with a substantial investment in jobs and
23 infrastructure that we aim to benefit
24 New Yorkers as much as possible, certainly.

1 So we do need resilience, I completely
2 agree with you. We need to protect our
3 infrastructure and our state against the
4 threat of climate change, and we are
5 investing as such as well.

6 Would it be useful for the chair to
7 address the issue of ratepayer impacts,
8 though, Senator?

9 SENATOR O'MARA: Yes.

10 NYSERDA PRESIDENT HARRIS: Thank you.

11 PSC CHAIR CHRISTIAN: Good afternoon,
12 Senator O'Mara.

13 So I mentioned earlier in my testimony
14 during the Q&A that the department
15 aggressively reviews the rate cases provided
16 by the utilities to examine the rate impacts
17 on customers. And I highlighted when
18 compared to what the original request was to
19 what was finally approved, those rate impacts
20 were significantly lower than what was
21 originally presented by the utility.

22 So as an agency, we take it very
23 seriously what the costs are going to be.

24 But as I was hearing your argument

1 earlier against the idea of pursuing
2 renewable energy --

3 SENATOR O'MARA: No, I'm not -- I'm
4 not against pursuing renewable energy.

5 PSC CHAIR CHRISTIAN: Oh, I misheard,
6 I'm sorry.

7 SENATOR O'MARA: Not at all. I'm all
8 for it. I am for pursuing it on a rational
9 and feasible basis, not at a breakneck speed
10 that's going to devastate our economy and
11 crush affordability of New York State.

12 PSC CHAIR CHRISTIAN: I see. So a few
13 things to be clear, then.

14 What we at the commission are moving
15 forward with, and what Doreen and others are
16 doing as well, we're doing it in response to
17 the fact that the CLCPA is a law and we have
18 to comply with that law and we have to do so
19 in the most -- in accordance with the
20 requirements of the law, which set a timeline
21 for certain metrics, 70 percent by 2030,
22 100 percent emissions-free by 2050.

23 As President Harris and I have stated
24 previously, we have the infrastructure

1 investments -- sorry, let me rephrase that.
2 The plans to get to 70 percent or 63 percent
3 are already moving forward, we have those in
4 place and that will be deployed.

5 Moving forward, getting from that
6 70 percent to 100 percent is going to be a
7 challenge. And that's a challenge that
8 cannot and should not be downplayed. And it
9 will require a wholesale rethinking in not
10 just the nature of the grid as we know it
11 today, but our relationship with energy as a
12 whole. There are many, many potential
13 pathways to getting to that destination. But
14 what you see coming from our agency, DPS, and
15 from NYSERDA as well, the effort is to
16 identify the least-cost pathway to get there
17 based on the technology and practices that
18 are commercially available today.

19 The goal is not to present a pie in
20 the sky, hopeful, optimistic view. The goal
21 is to present realistically what is possible
22 with what we have today and what can we
23 accomplish tomorrow.

24 SENATOR O'MARA: Thank you for that --

1 PSC CHAIR CHRISTIAN: And there are a
2 variety of reports that we prepared and
3 documented. Happy to discuss those at
4 length.

5 SENATOR O'MARA: I firmly disagree
6 that we have the technology and innovation to
7 be able to get there today, and these goals
8 we have set are unreasonable.

9 But if I could just change gears with
10 the 2 minutes I have left. Why are we
11 approving a TDI pipeline to come down the
12 Hudson River with Hydro-Québec Power and not
13 have an interconnect on that somewhere along
14 the Hudson River for upstate New York power
15 to be able to get into or take power out of
16 that in upstate New York?

17 NYSERDA PRESIDENT HARRIS: Thank you,
18 Senator. Actually, the point you just made
19 is one reason why we have advanced two
20 projects for the PSC's consideration. In
21 large part, we see them as highly
22 complementary to one another, where we have
23 the Clean Path New York project bringing
24 upstate wind and solar and hydro into the

1 city, and the Champlain Hudson Power Express
2 bringing in wind and hydro from Canada into
3 the city, collectively making a significant
4 impact on one of our hardest-to-make-
5 renewable grids in our state.

6 So we see them as complementary, and
7 we see them as an opportunity for the private
8 market to participate no matter the
9 geography.

10 SENATOR O'MARA: Well, I disagree on
11 the lack of an interconnect on the TDI,
12 because that would certainly add to the goals
13 of what we have of redistributing power from
14 upstate to downstate.

15 Now, one last question. On all the
16 surcharges that are on utility bills that I
17 listed at the outset, collecting what will
18 ultimately be billions and billions of
19 dollars from ratepayers on the utility bills,
20 why do we not have any independent audit of
21 these charges being collected and how both
22 the Public Service Commission and NYSERDA is
23 expending those or intending to expend those?

24 If you could address -- do you have

1 concerns with having an independent audit of
2 those funds?

3 (Pause.)

4 PSC CHAIR CHRISTIAN: Sorry, sir, was
5 that question for me or President Harris?

6 SENATOR O'MARA: For both of you, I
7 believe. Auditing of these massive amounts
8 of dollars that are being collected off
9 ratepayers' bills, an independent audit of
10 those.

11 PSC CHAIR CHRISTIAN: I will have to
12 get back to you on that, Senator.
13 Fundamentally, I don't have a problem with
14 transparency and oversight. Where I need to
15 get more aware of is the totality of the
16 process. I know I have met with NYSERDA on a
17 number of occasions to discuss these funds.
18 And ultimately that's an ongoing process that
19 the commission engages in.

20 I'm not entirely sure if it meets the
21 requirements that you have in mind, but I'm
22 open to having that conversation and
23 discussing that further.

24 SENATOR O'MARA: Well, I don't believe

1 it does, but my time is up. But one last
2 just comment --

3 CHAIRWOMAN KRUEGER: No.

4 SENATOR O'MARA: -- in the light of
5 transparency.

6 CHAIRWOMAN KRUEGER: Tom, why don't
7 you take it offline with them --

8 SENATOR O'MARA: Just 30 seconds,
9 please, Madam Chair. When we're grouping all
10 the witnesses together, it's very difficult
11 to get points in that are extremely
12 important.

13 And we talk about transparency; we
14 need transparency for the public of New York
15 State on what these costs of this green
16 energy plan is going to be. Because it's all
17 being whitewashed, it's not being disclosed
18 publicly, and people are going to be shocked
19 when they're hit in the pocketbook with these
20 unrealistic expenses and goals. Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 All right, back to the Assembly,
23 Helene Weinstein.

24 CHAIRWOMAN WEINSTEIN: We've been

1 joined by a number of members: Assemblyman
2 Abinanti, Assemblyman Pretlow, and
3 Assemblyman Jonathan Rivera.

4 And we go to Assemblyman Zohran
5 Mamdani for six minutes.

6 ASSEMBLYMAN MAMDANI: Thank you so
7 much, Chair Weinstein.

8 I'll just jump straight into it to
9 make use of the time. We have a target of
10 reducing greenhouse emissions 85 percent by
11 2050 and a zero emissions grid by 2040. And
12 we've also heard today that there is not a
13 clear plan to meet these goals. We heard
14 earlier from NYSERDA and PSC that we are only
15 on track for 63 percent by 2030, the majority
16 of which is Champlain Hudson Power Express,
17 which is not new renewable generation -- and
18 that we also don't have a clear plan to phase
19 out peakers.

20 And while the Governor has said that
21 she wants New York to lead the country in
22 renewable energy, we are still stuck at just
23 6 percent for wind and solar.

24 I do not understand how all of these

1 facts can exist alongside your statement,
2 President Harris, that "the private market is
3 doing what it should and the public sector is
4 doing what it should" at the scale we need.
5 Why doesn't the state itself directly build
6 new renewables, as outlined in the Build
7 Public Renewables Act?

8 NYSERDA PRESIDENT HARRIS: Thank you,
9 Assemblymember.

10 Certainly as I have communicated and
11 as I strongly believe, we are poised to meet
12 or exceed 70 percent renewables by 2030. And
13 that is a year not far from now, I am well
14 aware of it. And I believe that we as a
15 state, and the private sector, have combined
16 forces to bring forth projects and resources
17 to bear to reach or exceed that goal.

18 So I believe strongly that we are on
19 the right track and that we have the
20 preconditions to achieve the goals of the
21 Climate Act.

22 ASSEMBLYMAN MAMDANI: But at the very
23 least, why not allow the state to compete on
24 a level playing field with capital?

1 NYSERDA PRESIDENT HARRIS: I believe
2 strongly that the state has taken the roles
3 that are most rational and allow the scale to
4 be achieved in ways that are, as I said,
5 indicative of the private/public partnerships
6 that are necessary to achieve these
7 objectives.

8 ASSEMBLYMAN MAMDANI: I think my core
9 concern -- and I know this is one shared by
10 many of my colleagues -- is that currently we
11 have a hand tied behind our back with regards
12 to what NYPA is authorized to do.

13 At this very time the Governor has
14 proposed a policy change that would allow
15 investor-owned gas utilities to build
16 district heating, to build heating loops,
17 geothermal, and yet we're not equipping our
18 own public utility to do the same thing.

19 And it makes no sense to me given that
20 NYPA is such a successful entity, and yet we
21 are not even allowing it to compete with
22 capital that we know from so many different
23 instances does not actually serve our
24 constituents in the way that it should with

1 regards to the quality of service as well as
2 the price of service.

3 NYSERDA PRESIDENT HARRIS: So the
4 roles that NYPA is taking today I would say
5 are hugely impactful toward the achievement
6 of our goals. The partnerships specifically
7 that they have forged in the realm of
8 transmission and the leadership that they are
9 showing is absolutely instrumental, including
10 partnering with a number of the
11 private-sector development companies like
12 Clean Path New York, as an example, to tie
13 into one of the statements that you had made.

14 So NYPA is playing a role. It's
15 playing, in my view, a very critical role
16 today.

17 ASSEMBLYMAN MAMDANI: Okay, thank you,
18 President Harris.

19 NYSERDA PRESIDENT HARRIS: Thank you.

20 ASSEMBLYMAN MAMDANI: I want to move
21 over to the issue of a statewide gas ban.
22 The Governor has laid out a timeline for
23 2027. And do you believe that this timeline
24 meets the urgency of the climate crisis?

1 NYSERDA PRESIDENT HARRIS: Thanks for
2 that question.

3 I will say the Governor's proposal is
4 not a gas ban. So just for clarity, the
5 proposed legislation is not a gas ban
6 directly, it is an objective to require zero
7 greenhouse gas emission buildings by 2027.

8 So how will we do that? As I have
9 described, we have a really exciting package,
10 first starting with building codes related to
11 on-site emissions requirements for new
12 construction and renovation of buildings. We
13 see appliance standards as critical to
14 improving efficiency, and we see benchmarking
15 as an opportunity to have a better -- to the
16 points made -- transparency around buildings
17 compared to one another.

18 So generally this 2 million homes will
19 be achieved through a variety of means, as I
20 have just described.

21 ASSEMBLYMAN MAMDANI: So, President
22 Harris, what are your thoughts about the
23 incorporation of Assemblywoman Gallagher and
24 Senator Kavanagh's All-Electric Building Act,

1 which would end gas use in new construction
2 in immediate effect?

3 NYSERDA PRESIDENT HARRIS: So what we
4 have learned -- and thank you for pointing
5 that out. Over the past year we've been very
6 hard at work -- advised, notably, by a number
7 of sector-specific advisory panels. And we
8 take very seriously the expertise that they
9 bring to bear on the objectives of the
10 Climate Act.

11 And specific to this 2 million
12 buildings initiative that I had just
13 described, it may be the case that in
14 sub-subsectors we are able to accelerate
15 earlier than 2027 single-family construction,
16 as an example, perhaps, where it may make
17 sense.

18 But what we have learned is this is
19 the pace that we need to achieve the goals of
20 the Climate Act. And starting in this sector
21 is a really smart thing to do as well.

22 ASSEMBLYMAN MAMDANI: So I thank you
23 for your answers. I very firmly disagree in
24 terms of the pace that is required by the

1 climate crisis, and very much believe that we
2 really do need to compete with capital and
3 authorize NYPA to do so in its most effective
4 way.

5 But thank you for your time, and I
6 thank all of the other panelists for theirs
7 as well.

8 I give back my 9 seconds. Thank you.

9 CHAIRWOMAN KRUEGER: We'll take your
10 9 seconds, thank you very much.

11 Next we have Senator Brisport.

12 SENATOR BRISPORT: Thank you,
13 Madam Chair.

14 And President Harris, I'd like to just
15 circle back again to the Build Public
16 Renewables Act, just because I am listening,
17 I'm hearing what you're saying to my
18 colleagues about, you know, your opinions on
19 where we are with the public sector and the
20 private sector. But I'm just curious of the
21 reasoning of why we would put this handicap
22 on the public part, the public sector of the
23 industry.

24 Because it seems to me that if it were

1 true, if you truly did believe that we were
2 on track to meet these goals, that in the
3 same way that NYPA is handicapped and
4 prevented from expanding, the private sector
5 could also be handicapped. Then we could say
6 that no new private-sector companies could
7 come into the sector and build. Then we
8 could say that the current companies that are
9 building out renewable energy could be capped
10 and would need to present no new projects to
11 you.

12 I mean, do you feel the same way -- in
13 the same way that NYPA is not allowed to
14 expand, do you feel like right now we could
15 cap it at exactly what's going on in the
16 private sector and say we don't need any new
17 projects than what's been presented?

18 NYSERDA PRESIDENT HARRIS: Thank you,
19 Senator. I am definitely not saying we're
20 where we need to be with respect to
21 private-sector involvement in this
22 transition. We really are at the beginning
23 of this significant change from 2022 to 2050,
24 and we need all sectors to be contributing

1 fully. And beyond power generation, of
2 course, and beyond.

3 What I am saying specifically is the
4 private sector has responded fully and
5 completely to the objectives that we have set
6 forth for renewable power generation
7 projects --

8 SENATOR BRISPORT: I'm just --
9 respectfully, President Harris, are we at the
10 beginning, like you said, or have they
11 responded fully? Are we at the beginning, or
12 like do we need --

13 NYSERDA PRESIDENT HARRIS: Yeah, what
14 I wanted to convey is that there are many
15 sectors of our economy that we need to
16 decarbonize. Power generation is sort of the
17 leader, if you will. And in that instance,
18 the private market has responded fully.

19 In fact, this year alone we have
20 almost 20 projects that -- or last year
21 alone, almost 20 projects that entered
22 construction, large-scale renewable projects.
23 And that's very much the resources that we
24 are looking for to decarbonize our grid.

1 My point was that we need the private
2 sector to both build on that success and
3 enter other sectors at that same scale.

4 SENATOR BRISPORT: But I'm just not
5 hearing a response to like parity between the
6 public sector and the private sector.

7 Why should it be the private sector is
8 allowed to do more than it currently can do
9 but NYPA cannot do more than it currently
10 does?

11 NYSERDA PRESIDENT HARRIS: As I had
12 indicated, it is the case that NYPA is
13 playing a critically important role and a
14 substantial role, at that, in partnering and
15 building transmission projects and serving
16 their customers with renewables.

17 So that is a very expansive role and a
18 hugely necessary one for our state.

19 SENATOR BRISPORT: But -- yeah, but
20 President, I'm not asking about the current
21 role they're playing. The question is
22 whether or not the -- you know, it's about
23 the disparity between the fact that NYPA is
24 disallowed from playing a larger role, where

1 the private sector is not.

2 The private sector is free to build
3 out as many new projects for public
4 renewable -- excuse me, for renewable energy
5 as it would like. Right? A new solar
6 company wants to come into New York and build
7 out an array, you know, in two or three
8 years, they're allowed to do that; the
9 private sector continues to expand. NYPA is
10 not.

11 NYSERDA PRESIDENT HARRIS: Understood.
12 Well, certainly I would say NYPA does have an
13 expansion that could be advanced with their
14 existing customer base, as an example of
15 places that NYPA could and should be
16 supporting moving forward.

17 When I think -- when I speak to
18 renewable power generation at scale, I want
19 to be clear: NYSERDA plays a critical role
20 there too, from a public sector perspective,
21 by establishing the procurement goals, by
22 running competitive solicitations and
23 contracting with those private entities to
24 build projects. So in that way, it's very

1 complementary with NYPA's role as well.

2 SENATOR BRISPORT: I'm still -- thank
3 you. I'm just still not hearing the
4 opposition to allowing them like the option
5 to -- for NYPA to build new public energy.

6 What is the opposition? Is there
7 something we should know about NYPA that
8 you're not telling us? Like what is the
9 opposition to allowing NYPA to have a greater
10 leeway in building out these projects?

11 NYSERDA PRESIDENT HARRIS: Thank you,
12 Senator. I'm not intending to -- to avoid
13 your question. My view is that NYPA is
14 playing a very significant role as it is --

15 SENATOR BRISPORT: I mean, that --
16 that doesn't answer my question.

17 NYSERDA PRESIDENT HARRIS: -- in
18 serving their customers and in transmission
19 development.

20 SENATOR BRISPORT: Well, I'm asking
21 why they can't do more. And so when I hear
22 you say they're doing enough currently,
23 you're saying that they should not do more.
24 I'm hearing that you're saying that NYPA

1 should not do more -- should not be more
2 involved than it currently is.

3 So why? Why should NYPA not be
4 allowed to do more than it currently is?

5 NYSERDA PRESIDENT HARRIS: Because
6 fundamentally I believe the scope of what
7 they're delivering is already significant.
8 That's -- that's the reason.

9 SENATOR BRISPORT: Okay, thank you.
10 I will cede the rest of my time.

11 NYSERDA PRESIDENT HARRIS: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Back to the Assembly.

14 CHAIRWOMAN WEINSTEIN: We've been
15 joined by Assemblyman McDonald, and we go to
16 Assemblyman Burdick.

17 ASSEMBLYMAN BURDICK: Thank you,
18 Chair Weinstein and Chair Krueger and to the
19 panelists.

20 And first, just some housekeeping. I
21 would just ask that the chairs kindly share
22 with the members the contact information of
23 panelists so we can contact them offline.
24 Also, any studies and reports that are being

1 provided, if they could be shared with the
2 members.

3 To President Harris, first, I
4 completely agree with the views of my
5 colleagues that NYPA's authority should be
6 expanded.

7 Some studies and document requests, it
8 would be very helpful if you could provide us
9 energy use projections, how they will be met,
10 including the growing renewable portion.

11 Second, the state's investment, both
12 private and public, in meeting CLCPA. We
13 obviously can find the public portion in the
14 budget but you refer a lot to the private
15 sector in meeting CLCPA. So I still am
16 concerned that the state's investment is
17 insufficient. But with that said, I'd
18 appreciate whatever estimates of both public
19 and private investment is being provided.

20 Also would appreciate receiving the
21 studies that had been requested regarding
22 electrification as a better path than natural
23 gas as an interim step, which would be more
24 expensive.

1 I'll set out all my questions and then
2 have you answer.

3 How does NYSERDA collaborate with
4 other state agencies to set its own goals,
5 your goals, for meeting CLCPA? And who
6 follows through on them?

7 Next is, is there consideration being
8 given to discontinuing the practice of
9 transferring Regional Greenhouse Gas
10 Initiative funds to the General Fund?

11 Questions for Chair Christian.
12 Hardening the grid: I think it's great that
13 New York State rates high in meeting metrics.
14 Have those metrics been ramped up to
15 recognize that major storm events are
16 occurring much more frequently? And if so,
17 how are those upgraded metrics implemented in
18 the utilities' capital plans?

19 You referred to burying lines. Would
20 there be grants for pilot programs for
21 municipalities?

22 Community Choice Aggregation is one of
23 the tools to achieve CLCPA goals.
24 Sustainable Westchester CCA program is the

1 first and largest in the state, and they've
2 made great efforts to build it, but there's a
3 great deal of uncertainty around community
4 solar incentives and the pause on opt-out
5 solar approvals has had serious adverse
6 impacts. Please let us know when we can
7 expect approvals for the opt-out.

8 Last is DPS was working on a
9 significant revision in regulations
10 pertaining to CCA programs to remove
11 obstacles. I have missed it, but we started
12 requesting this three years ago and as I
13 understand, it still hasn't been issued.
14 Please advise when this will be issued or
15 whether statutory authority is needed.

16 So I guess, first, President Harris.

17 NYSERDA PRESIDENT HARRIS: Yes, thank
18 you, Assemblymember. I'll try to be brief
19 and leave time for Chair Christian as well.

20 But with -- I think your first
21 question really had to do with the
22 implementation of the Climate Act by other
23 agencies as well. So it's important to note
24 that we are all bound by the provisions

1 With respect to the Regional
2 Greenhouse Gas Initiative, this year's
3 operating plan does include the transfer, as
4 has been in prior years, for programs related
5 to solar tax credits and the Environmental
6 Protection Fund, both in line with the
7 Climate Act.

8 Chair Christian?

9 PSC CHAIR CHRISTIAN: Thank you,
10 President Harris.

11 ASSEMBLYMAN BURDICK: Thank you.

12 Chair Christian?

13 PSC CHAIR CHRISTIAN: Regarding your
14 two questions, the first related to metrics.

15 The metrics used are largely based on
16 outages, number of outages that occur, number
17 of customers that are affected, length of
18 those outages. So they are largely
19 independent of changing weather. And in fact
20 continuing to perform well with those metrics
21 in spite of increasing weather is actually a
22 fairly commendable thing to point out.

23 Ultimately we've --

24 ASSEMBLYMAN BURDICK: Okay, and

1 burying lines?

2 PSC CHAIR CHRISTIAN: -- increased our
3 own standards to ensure reliability during
4 storms and require that emergency response
5 plans be updated regularly and reviewed and
6 approved by the PSC annually.

7 ASSEMBLYMAN BURDICK: Okay, and
8 burying lines?

9 PSC CHAIR CHRISTIAN: Your next
10 question, regarding Community Choice
11 Aggregation -- you know, as you probably
12 know, we moved forward with the statewide
13 plan in I believe 2016, and in 2020 we moved
14 forward with a Long Island version of that.
15 We have an ongoing effort now that we believe
16 should be in place by this summer to discuss
17 the benefits and ramifications of potential
18 rollout of a opt-out CCA for the state.

19 And we can speak to more details on
20 that at your pleasure.

21 ASSEMBLYMAN BURDICK: Okay, and then
22 I'll just follow up with you, if I could, on
23 that last question.

24 CHAIRWOMAN WEINSTEIN: If you could

1 get written responses, Assemblymember, the
2 time is up.

3 If we can get written responses to the
4 many questions --

5 ASSEMBLYMAN BURDICK: Thank you.

6 CHAIRWOMAN WEINSTEIN: -- that Chris
7 posed, and we will share them with all the
8 members on the panel.

9 To the Senate.

10 CHAIRWOMAN KRUEGER: Thank you.

11 I believe I'm the last Senator in
12 line. I was trying to just bat cleanup,
13 everyone.

14 So I'm a little concerned about some
15 of the questions you were asked, and I just
16 want to double-check the facts by asking you
17 to answer or confirm my understanding.

18 That actually electrification is going
19 to save ratepayers money over the current
20 system, the stronger our electric grid and
21 options for renewable energy, the lower we're
22 expecting the rates to be on ratepayers. Is
23 that true?

24 I guess it's PSC.

1 (Pause.)

2 PSC CHAIR CHRISTIAN: So I don't
3 remember stating that the way you just stated
4 it. But ultimately as we move towards a grid
5 that is based largely on renewable energy, we
6 avoid a pitfall that has long plagued the
7 energy sector of this country, and that's
8 significant swings in the cost of the
9 commodity.

10 I did not experience the Iran oil
11 crisis in the '70s directly, but anecdotally
12 I know that affected the lives and livelihood
13 of many of my family and I'm sure many of you
14 as well. By moving to renewables we can
15 avoid the significant impacts a similar
16 occurrence like that may create. So that's
17 one of the many potential benefits.

18 Additionally, keep in mind the
19 transition to renewable energy is not simply
20 we're going to build more renewables and call
21 it a day. This is a multipronged approach
22 that's changing the nature of the grid and,
23 as I said earlier, our relationship with it.

24 Historically the electric grid as it's

1 been designed has been designed as a --
2 largely to respond to whatever we demand of
3 it. Whether I'm turning on one light or
4 200 lights, the grid needs to be available to
5 provide that service. Two-way communication
6 between users and the grid were limited to
7 whatever the meter reader would read at the
8 end of the month.

9 The litany of proposals that are being
10 put forward include -- I don't want to use
11 the term "smart grid," I feel like that's
12 been used a lot. But it will make the grid
13 smarter, more intelligent, and much more
14 flexible. Instead of it being purely
15 responsive to whatever our needs may be, the
16 grid and individual customers will be able to
17 communicate with each other to adjust as
18 needed.

19 So one hypothetical scenario that I
20 would -- you know, to illustrate this point,
21 if we have an abundance of wind, we can send
22 price signals to individuals, letting them
23 know, hey, there's a lot of wind, power is
24 cheap, you could run your high-energy-

1 intensive appliances now. Or we could send
2 signals to battery storage facilities letting
3 them know now is the time to charge.

4 The point is in the past, when the
5 grid was first established and run, these
6 capabilities were not there. So we're not
7 only increasing the amount of renewables,
8 we're increasing our ability to utilize those
9 renewables effectively and affordably.

10 And ultimately, yes, in the near term
11 there will be costs to make this transition
12 happen. But one thing I would be remiss if I
13 did not mention, the grid is already fairly
14 old, so the costs to maintain the grid are
15 already there and it's something that should
16 not be ignored. What we're talking about
17 doing today is not to simply rebuild the grid
18 as it was, but to take the opportunity where
19 the grid needs to be replaced and upgraded
20 and maintained and, instead of replacing it
21 with something similar, replacing it with
22 something that's more suitable for this
23 future that we envision.

24 CHAIRWOMAN KRUEGER: Thank you. Thank

1 you. Follow-up, I think probably also for
2 you, discussion about are we really ready for
3 EVs and EV buses and won't that increase the
4 costs or risks of overutilizing our electric
5 grid.

6 My understanding is EVs are actually
7 cheaper to own, much cheaper to fuel, and I
8 just can't imagine a storyline where we're
9 going to use up our capacity for electricity
10 because we shift to electric vehicles. Am I
11 right or wrong?

12 PSC CHAIR CHRISTIAN: I would agree
13 with your view that -- sorry, I would
14 disagree with the view that adding EVs to the
15 mix is going to utilize the grid in a way
16 that would hamper our ability to move towards
17 our 70/30 goals.

18 Ultimately -- and again, I have -- I
19 can think of at least three different studies
20 that would support this, one from Union of
21 Concerned Scientists, another from EDF, and
22 another from RMI. But multiple organizations
23 support the view that EVs can actually serve
24 as a hedge. The example I mentioned earlier

1 where we have an abundance of renewables --
2 again, you can't turn renewables on or off.
3 They're simply there when they're there. The
4 sun shines, the wind blows. That will not
5 always tie up with when demand is needed.

6 The EVs, whether they be a bus or a
7 personal vehicle or some other form, when not
8 in use can serve as a balancing agent,
9 allowing us to capture that energy when it
10 otherwise would not be utilized because it's
11 overabundant, and then potentially put that
12 energy into the grid in times of greatest
13 needs.

14 So I view EVs as technically and
15 materially an asset to our future grid, and
16 I'd be hard-pressed to imagine a future
17 without them.

18 CHAIRWOMAN KRUEGER: Thank you.

19 And I believe that Dr. Harris
20 explained about heat pumps earlier, that
21 there is no problem in very cold climates for
22 utilizing heat pumps. Did I hear you
23 correctly?

24 NYSERDA PRESIDENT HARRIS: Thank you,

1 Senator.

2 And so my specific point was that heat
3 pumps can work effectively in cold climates
4 and in fact do work well in cold climates, at
5 a significant scale in Northern Europe, as an
6 example.

7 But it is the case that they need to
8 be engineered, sized and designed
9 appropriately, and that the building
10 itself -- in the case of many, their home --
11 needs to also be as efficient as possible;
12 i.e., insulated and resilient in its design.

13 CHAIRWOMAN KRUEGER: Thank you.

14 NYSERDA PRESIDENT HARRIS: So yes,
15 that is my statement.

16 CHAIRWOMAN KRUEGER: Okay, sticking
17 with NYSERDA, so NYSERDA did a benefit/cost
18 study for the Climate Action Council,
19 estimating the state needs to spend at least
20 \$10 billion a year through 2030, and more
21 after that, to fund all the policies
22 necessary to meet our legally mandated
23 climate targets.

24 Can you tell me what the state's

1 currently spending annually toward that
2 \$10 billion? And how much new money for
3 climate mitigation is included in this year's
4 Executive Budget?

5 NYSERDA PRESIDENT HARRIS: Well,
6 certainly. So it is the case that when we
7 look -- as an administration of Governor
8 Hochul's, we take climate change very
9 seriously, and we are pursuing an aggressive
10 climate agenda, as was indicated in her State
11 of the State and in her Executive Budget.
12 Which includes investments across all sectors
13 of our economy.

14 So I would say, first of all, it is a
15 top priority from a budgetary perspective.
16 But notably, it is also the case, and has
17 been discussed at length in this hearing,
18 that there are also other levers, including
19 off-budget funding that is being committed
20 toward the achievement of the Climate Act
21 goals. When we look at it generally, this
22 year alone, we are expected to commit over
23 \$30 billion off-budget to achieve Climate Act
24 goals, primarily in the power generation

1 sector but also in transport and in
2 buildings.

3 And then, of course, we have many
4 other levers we can achieve -- the 2 million
5 buildings as a great example of a legislative
6 agenda to help achieve our goals as well.

7 CHAIRWOMAN KRUEGER: But if I were to
8 ask you for a master list of how much money
9 is being spent related to climate change,
10 could you pull that out of the budget for us?

11 NYSERDA PRESIDENT HARRIS: With
12 respect to the budget, certainly. But I
13 would probably also want to include the
14 off-budget list, Senator.

15 CHAIRWOMAN KRUEGER: Good. Off-budget
16 as well, yes. Thank you.

17 NYSERDA PRESIDENT HARRIS: Happy to
18 provide that.

19 CHAIRWOMAN KRUEGER: Okay. I'll be
20 happy to share it with everyone, Senate and
21 Assembly.

22 This came up once, but I just want to
23 clarify. So the Executive Budget proposal
24 needs to be consistent with Section 7 of the

1 CLCPA. And I'm just -- I mean, that's by
2 law. So I'm -- and you talked about the
3 Governor going to do an executive order on an
4 assortment of things related to that.

5 What happens if something in the
6 budget language doesn't jive with CLCPA?
7 Who's the arbiter of getting that fixed?

8 (Pause.)

9 CHAIRWOMAN KRUEGER: Uh-oh, I stumped
10 everyone.

11 NYSERDA PRESIDENT HARRIS: (Laughing.)
12 Well, I'm thinking to myself, of course, as
13 I -- I'm thinking about the Executive Budget.
14 I haven't seen any signal to the otherwise.
15 So I'm thinking about it from a legal
16 perspective, of course.

17 I would imagine, in that instance, if
18 there were something out of alignment, it
19 would be resolved through the budget process,
20 and raised accordingly.

21 CHAIRWOMAN KRUEGER: And then just
22 finally, does the Executive Budget adhere to
23 the mandate that at least 35 percent of clean
24 energy spending be dedicated to benefit

1 environmental justice and disadvantaged
2 communities?

3 NYSERDA PRESIDENT HARRIS: Well,
4 certainly with the frameworks that we are
5 required, under the Climate Act, when we
6 think about the 35 and 40 percent
7 consideration, as you have pointed it out, it
8 is with respect to our collective investments
9 in clean energy. So to the extent that we
10 have agency investments, they certainly do
11 comply.

12 And when I think about the provisions
13 within the budget, I would say the same. The
14 Bond Act is a great example of it, but also
15 as we implement at NYSERDA our programs under
16 the Clean Energy Fund and beyond.

17 CHAIRWOMAN KRUEGER: And I'm going to
18 cede back the rest of my time. Thank you
19 very much for your testimony today.

20 Assemblywoman Weinstein.

21 CHAIRWOMAN WEINSTEIN: Yes, we have I
22 think about 10 Assemblymembers. So just
23 interrupt me as we go through the list if any
24 Senators get added.

1 So we'll go to Assemblywoman Barrett.

2 ASSEMBLYWOMAN BARRETT: Thank you.

3 Thank you all for your leadership and your
4 patience.

5 I'm going to -- there's been a lot of
6 very specific and detailed information, so I
7 have one specific question for Chair
8 Christian, and that is about what you're
9 doing with cellphone service. I know, you
10 know, broadband has been a huge priority, but
11 I can't drive from my Albany office to my
12 Hudson office without losing phone calls
13 multiple times. So I want to know where that
14 is on the radar screen.

15 And then I have a sort of
16 philosophical question for all three of you
17 to, you know, get your perspectives on this.

18 The legislation that we passed is
19 called "Climate Leadership," which we all
20 know what that means, and "Community
21 Protection Act." We are a home-rule state.
22 And I'd really like to understand from the
23 leadership of all three of your offices, how
24 you view and prioritize and balance the

1 community protection piece with the climate
2 leadership as you -- as we move forward.

3 So whatever order you want to do this
4 in, please -- you've got 4 minutes and
5 52 seconds to finish up. It's all yours.

6 PSC CHAIR CHRISTIAN: Why don't I
7 start off.

8 So your first question concerns
9 wireless communications. So ultimately --
10 I'm trying to remember the specific date, but
11 I know sometime in the mid-'90s the Public
12 Service Law was modified to give the
13 commission regulation of wireless service.
14 It's been -- it was previously limited to
15 federal law -- limited by federal law.

16 So ultimately -- da-da-da-da-da-da.
17 We know how important it is. It's definitely
18 a priority of the work that we're doing,
19 particularly in rural areas. And wireless
20 companies do come to the commission, and
21 department staff, regularly for assistance
22 related to their networks and service. I'm
23 thinking out loud here. And one potential
24 option may be to pursue something similar to

1 the broadband map mentioned earlier, to
2 identify areas where investments are needed.
3 Not committing to doing that right now, but
4 I'd like to look at the issue further, follow
5 up with you, and maybe have a discussion on
6 what form that may take.

7 Regarding the CLCPA, execution of the
8 CLCPA from the commission perspective largely
9 takes form within rate cases. We've had
10 several rate cases over the past few months,
11 most recently the NIMO rate case in which the
12 Albany project -- that was part of that. We
13 discussed that earlier today.

14 But ultimately we have taken a variety
15 of steps within the rate case to try to align
16 with the CLCPA. We've been prioritizing the
17 removal -- sorry, yeah, the removal of
18 leak-prone pipes. We've developed enhanced
19 methane detection systems and programs.
20 We're discontinuing the marketing of natural
21 gas efforts -- that lines up with the
22 hundred-foot rule that we were talking about
23 earlier. And also providing educational
24 information to customers and industry about

1 alternative options for heating and pathways
2 for reducing emissions.

3 We also have prioritized energy
4 efficiency in demand response as part of the
5 effort to minimize capital projects that may
6 be necessary for larger investments. These
7 are fairly low-hanging-fruit investments, so
8 to speak, that can address many issues.

9 Now, related to the second part of
10 your question on the CLCPA, how do we ensure
11 that the benefits actually accrue in
12 disadvantaged communities, that the
13 definition for disadvantaged communities is
14 being developed. I know with a recent
15 meeting an interim area has been set and
16 established. But once that definition is
17 established, we'll be in a much better
18 position to laser-focus those benefits and --

19 ASSEMBLYWOMAN BARRETT: So can I --
20 sorry to interrupt. But, I mean, the
21 definition -- are we just -- I mean, how does
22 a rural community that is actually
23 potentially disadvantaged by one of these
24 sites end up being part of the conversation

1 if it's not sort of the classic part of your
2 definition of community -- a community in
3 need and what you're protecting?

4 That's kind of what I'm trying to get
5 at here.

6 PSC CHAIR CHRISTIAN: I think I'll
7 need to follow up with you a little bit on
8 that one.

9 ASSEMBLYWOMAN BARRETT: Okay.

10 PSC CHAIR CHRISTIAN: In part -- you
11 know, again, much of what we are doing,
12 particularly with the broadband initiative,
13 much of that focus from an infrastructure
14 perspective is actually going to be targeted
15 at rural communities. So that that's
16 something that we already have a fairly clear
17 need on.

18 In terms of the CLCPA, I think one of
19 the broader concerns that has been addressed
20 in the meetings has been how broadly do we
21 define what a disadvantaged community is.
22 Once that definition has been codified, I
23 think we'll be in a better position to answer
24 the question you pose. But until then, I

1 don't want to speculate and, you know,
2 potentially misdirect and mislead.

3 ASSEMBLYWOMAN BARRETT: Mr. Moaveni?

4 ORES EXEC. DIRECTOR MOAVENI: I
5 mentioned this earlier, that the office
6 recognizes that public participation is a
7 critical part of Executive Law 94-c, and the
8 regulations provide local government and host
9 communities with increased transparency and
10 protection over major siting concerns.

11 The regulations provide local
12 governments and the public to participate in
13 the siting process through multiple
14 opportunities, including preapplication
15 consultation, which is a mandatory
16 consultation that the office will not deem
17 any application complete without proof of
18 meaningful engagement with local government
19 and host community members.

20 The office provides -- the new siting
21 process provides local government and
22 community members with funding to participate
23 in that administrative hearing. And also
24 those groups then have an opportunity to

1 participate in the whole administrative
2 hearing and raise significant substantive
3 issues that the office will take into
4 consideration in making final decisions for
5 those projects.

6 ASSEMBLYWOMAN BARRETT: Can I get
7 President Harris, or maybe do we have to do
8 this offline?

9 CHAIRWOMAN WEINSTEIN: If you could do
10 that offline, that would be helpful.

11 And we'll circulate any -- I just want
12 to remind the chairs, commissioners, that any
13 answers that are sent to members offline need
14 to also be sent to my office and Senator
15 Krueger's office so we can circulate to all
16 of the members the answers to the questions.

17 So next we'll go to Assemblywoman --

18 ASSEMBLYWOMAN BARRETT: Thank you.

19 CHAIRWOMAN WEINSTEIN: --

20 Assemblywoman González-Rojas.

21 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.
22 Thank you so much for your testimony.

23 Senator Krueger may have touched on
24 this a bit, but I want to just dig in a

1 little bit more.

2 The 2022 Regional Greenhouse Gas
3 Initiative, their operating plan transfers
4 over \$50 million to the Clean Energy Fund and
5 the Long Island Power Authority. Are these
6 programs that the funds are supporting, are
7 they in compliance with the environmental
8 justice spending requirements? Particularly
9 as we have not yet completed that definition.
10 How is that spending meeting those needs and
11 requirements?

12 And then what percentage of the RGGI
13 funds are currently directed to the
14 environmental justice and low-to-moderate-
15 income communities? And what does that look
16 like? Again, even at a point where they're
17 not fully defined, but we have to start
18 mapping those investments, and I want to hear
19 more about that.

20 NYSERDA PRESIDENT HARRIS: Yes, thank
21 you, Assemblymember. I'm wanting to make
22 sure I convey the fact that every decision
23 that we make, including our RGGI operating
24 plan that was just approved by our board, is

1 consistent with the Climate Act.

2 And in fact the operating plan that
3 was just approved contemplates over
4 40 percent of those funds to benefit
5 disadvantaged communities, according to the
6 definition that we are aware of and that, per
7 the prior point, that the Climate Justice
8 Working Group is advancing soon for public
9 comment as well.

10 So it is central within the RGGI
11 operating plan; it's central within the Clean
12 Energy Fund and beyond.

13 I'm particularly excited, actually,
14 this year by some of the initiatives that
15 were part of the operating plan, notably
16 clean energy hubs as an example of a program
17 that is designed to build regional and local
18 capacity within disadvantaged communities to
19 improve not only engagement but also the
20 acquisition of these services that we have
21 just described.

22 But certainly, beyond that, we
23 continue to invest in our workforce and in
24 our communities consistent with the

1 Climate Act.

2 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Great.

3 And this question is for the PSC. I'm
4 hearing from residents throughout the city
5 who are receiving what -- it feels like
6 surprise bills. I know other members have
7 raised this, the costs from companies like
8 Con Edison. A colleague in fact sent me a
9 copy of their Con Ed bill where they had
10 combined gas and electricity charges over
11 \$800 for a 34-day billing period between
12 December 15th of 2021 and January 18th. So
13 this is like their last bill. The combined
14 delivery charges alone for this colleague
15 were over \$550. And the supply charges were
16 upward of \$300, which I understand is not
17 regulated.

18 And I know that Con Edison is
19 proposing higher rates in 2023 that would
20 increase overall customer electric bills by
21 11 percent and gas bills by over 18 percent.

22 So can you explain how we get to our
23 CLCPA goals while ensuring that our
24 working-class ratepayers aren't bearing the

1 brunt of hundreds and hundreds of dollars of
2 electricity and gas costs in the process?

3 PSC CHAIR CHRISTIAN: Thank you. I'll
4 start from the back and work my way forward.

5 So in terms of consumer protections,
6 as I mentioned earlier, we have the backbone
7 of the Home Energy Fair Practices Act serving
8 as the foundation for which many consumer
9 protections in the state are founded.

10 And that allows for deferred
11 compensation agreements, it has provisions on
12 how and when you can shut a customer off.
13 For example, customers cannot lose their
14 heating service for nonpayment during the
15 heating season. So these things are about
16 protecting safety and ensuring people have
17 the ability and options to pay at a later
18 date and time if they're hit with significant
19 bills.

20 On top of the existing provisions of
21 the HEFPA were certain COVID-19 emergency
22 provisions enacted about shut-off
23 moratoriums. Those have since lapsed. But
24 ultimately, even though they did lapse, they

1 provided some protection for a good deal of
2 time, and we still have the underlying HEFPA
3 upon which we rely from a consumer protection
4 perspective.

5 Now, that is in addition to -- I said
6 this earlier; forgive me, I'm trying to
7 remember the exact numbers. We have a
8 significant increase in funding for our
9 energy affordability programs. We increased
10 the budget from roughly \$230 million to
11 around \$360-odd million. So we've taken
12 steps to not only protect consumers but
13 provide them with funding for affordability
14 issues.

15 The second part of your question
16 related to rates, and I want to highlight
17 just in 2021, when we look at what utilities
18 originally requested at their preliminary
19 rate request and what was actually provided
20 at the end, ultimately the department
21 provided roughly 8 percent of what that
22 initial request was.

23 I'm not saying this is something that
24 will continue going forward, nor am I

1 claiming that this will apply to Con Ed that
2 you cited those numbers earlier. But I do
3 want to use that as a reference point that
4 what you originally see at the very beginning
5 of a rate case is not always what you end up
6 with.

7 And to make the counterpoint, we've
8 had some instances where utilities have
9 requested rate increases and we've decided
10 that their requests were too low and they
11 needed even higher numbers.

12 But ultimately the goal of the
13 commission is to ensure the main pillars of
14 our regulation -- our obligations are met to
15 regulation. That's safety, affordability,
16 reliability and environmentally appropriate
17 service.

18 And it is a balance. You know, we
19 must maintain health and well-being of the
20 system and these investments are with that
21 goal in mind. But we try to ensure that the
22 investments are affordable and needed for
23 customers.

24 ASSEMBLYWOMAN GONZÁLEZ-ROJAS: Eight

1 hundred dollars doesn't feel affordable for
2 a, you know, small family. So I just want to
3 name that.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 And now we'll move to Assemblywoman
6 Woerner.

7 ASSEMBLYWOMAN WOERNER: Thank you,
8 Chair Weinstein. And thank you, President
9 Harris and Chair Christian and Mr. Moaveni
10 for your testimony today and for the great
11 work that you're doing.

12 I have many questions, but I'm going
13 to try and narrow it down, since I only have
14 three minutes -- or six minutes, I guess.

15 So the first question I have is to
16 Mr. Moaveni. I know that the survey has
17 been -- or the mapping survey has been
18 launched. What is the response rate so far,
19 and what are you doing to market the
20 broadband survey such that we get a truly
21 complete picture of not just where the gaps
22 are but where the gaps in meeting a standard
23 service level are?

24 ORES EXEC. DIRECTOR MOAVENI: That

1 sort of question -- I think Chair Christian
2 would be better suited to answer that
3 question.

4 PSC CHAIR CHRISTIAN: Yeah, thank you.

5 So the broadband survey is underway.
6 We anticipate its completion in the next few
7 months. And at that point what you'll have
8 is a map highlighting in real time what is
9 going on from a broadband perspective within
10 the state. So we'll know areas where
11 broadband is available, yes or no. We'll
12 also know the speed of the broadband and the
13 general availability of the service and what
14 services are available to consumers.

15 ASSEMBLYWOMAN WOERNER: Excuse me for
16 interrupting.

17 What has the response rate been so far
18 to the survey? Are you getting people
19 responding to it? Because I don't think it's
20 well publicized. That's my question.

21 PSC CHAIR CHRISTIAN: Okay, I can't
22 speak to the response rates. I do know that
23 responses have been coming in fairly
24 steadily. I can check with staff, and that's

1 something I can follow up with you after the
2 call.

3 ASSEMBLYWOMAN WOERNER: Thank you.
4 Because I would -- our broadband initiative
5 is really dependent on getting those maps
6 right, and that's going to be dependent on
7 getting input from people across the state.

8 So my second question is probably
9 directed at President Harris. What role do
10 you see for waste energy systems,
11 specifically anaerobic digesters as part of
12 the renewable energy mix in New York State?

13 NYSERDA PRESIDENT HARRIS: Yes, thank
14 you. Nice to see you again, Assemblymember.

15 So there's a couple of things embedded
16 within that question. First of all, what
17 constitutes renewable has been a focus
18 previously as to sort of What counts towards
19 70 by '30, according to the Climate Act.
20 But -- and in that realm, those types of
21 facilities certainly are not eligible for the
22 Climate Act.

23 However, as we look at our current
24 accounting as part of the Climate Act, I

1 would say an open question will be
2 fundamentally where waste fits into the
3 broader planning -- beyond 2030 -- of the
4 state. We had a waste panel that was
5 actually established as part of the advisory
6 process, and I would say that panel did look
7 at digesters as a means to reduce emissions.
8 But the key was that they needed to have
9 beneficial uses collectively.

10 So this is going to be one that is
11 considered over the coming year, as I said,
12 as we look beyond 2030 into the broader goals
13 of the Climate Act.

14 ASSEMBLYWOMAN WOERNER: Okay,
15 terrific, thank you.

16 Then of the programs that are proposed
17 for EV charging -- we've talked a lot about
18 how important it is to really get that EV
19 charging infrastructure expanded across the
20 state. It occurs to me that consumers are
21 used to fueling their cars at a gas station
22 and that the big opportunity is to get the
23 private sector to be willing to add, to their
24 product mix at gas stations and convenience

1 stores, charging stations.

2 So my question is of the programs that
3 are proposed for EV charging infrastructure,
4 which of those programs would support gas
5 station and convenience store owners to make
6 the investment to add EV fast chargers to
7 their product mix?

8 PSC CHAIR CHRISTIAN: So I'll take
9 that one, Assemblymember.

10 ASSEMBLYWOMAN WOERNER: Sure.

11 PSC CHAIR CHRISTIAN: So the program
12 itself is open to all, not necessarily
13 specific to any particular industry. So gas
14 stations, convenience stores, Walmarts,
15 whatever it may be, if they had an interest
16 in providing that, there are existing
17 programs through utilities throughout the
18 state that they could pursue to install that
19 infrastructure. And those programs have long
20 existed.

21 The new Make-Ready program, which was
22 announced in 2020, it calls for 50,000
23 additional charging stations -- sorry, 50,000
24 in total charging stations by 2025. With,

1 again, the goal of that, we're providing
2 \$700 million, of which 200 million is going
3 to go towards low-income communities.

4 And in terms of where those locations
5 are going to be deployed and allocated, we're
6 looking at both ensuring that access is a
7 prime consideration wherever they're going,
8 so we don't want any issues where a charging
9 station is deployed and it's used once a
10 month or something like that. An
11 underutilized station is an ineffective
12 station, ultimately.

13 So the siting of these things will be
14 based on need, based on where cars are
15 deployed and where people are going, and
16 that's an evolving and fluid situation that
17 will change over time. But the funding is
18 available and individuals can pursue
19 installations.

20 ASSEMBLYWOMAN WOERNER: My
21 understanding is that one of the -- one of
22 the reasons why the private sector,
23 particularly the small gas stations and
24 convenience stores, have been reluctant to

1 make their own private investment is that the
2 demand charges, because we're -- you know,
3 we're still at the beginning of the adoption
4 curve, the mainstream adoption curve for EVs
5 to begin with, that the demand charges
6 associated with the businesses will go up
7 because of an infrequent use right now of an
8 EV charging station at a gas station, for
9 example.

10 You know, obviously a larger venue,
11 like a Walmart or a mall, is going to have
12 more traffic. There's more cars that will be
13 there. But as I said, the consumer behavior
14 links fueling their car to going to a
15 Stewart's, for example. And the demand
16 charges are a problem.

17 CHAIRWOMAN WEINSTEIN: Thank you,
18 Assemblywoman.

19 ASSEMBLYWOMAN WOERNER: Thank you,
20 Chair Weinstein.

21 CHAIRWOMAN WEINSTEIN: We're going to
22 move on to Assemblywoman Fahy. (Pause.)

23 If she is not here, we'll move on to
24 Assemblyman Lemondes.

1 ASSEMBLYWOMAN FAHY: Did you say --

2 CHAIRWOMAN WEINSTEIN: Oh, here is --
3 okay, here's Assemblywoman Fahy.

4 ASSEMBLYWOMAN FAHY: I'm sorry, I
5 missed the last few minutes, I had to step
6 out with my son.

7 But I just want to say -- echo very
8 much the comments that you've heard today
9 regarding EV infrastructure and the need for
10 some very, very serious speed on that. I
11 also have the bill on electric buses and --
12 the electric school buses, I should say,
13 although I want to see transportation as well
14 taken care of.

15 I know you've answered a number of
16 these questions today, so I'm just going to
17 echo the comments on those. And I think
18 getting the infrastructure ready is just
19 absolutely critically important. Broadband
20 continues to definitely be an issue in the
21 district as well, and I'm going to turn it
22 back over and -- I know I'll shock the chair
23 with this, but I'm going to turn over the
24 remainder of my time, as we've been

1 multitasking.

2 But I do appreciate the -- all the
3 comments that have been made today and want
4 to continue to work with you -- oh, last
5 comment. I also really appreciate -- Doreen
6 Harris at NYSERDA, I really appreciate you as
7 president mentioning the appliance bill as
8 well, and energy appliances. We talk so much
9 about infrastructure, we talk about building
10 efficiencies, all very needed. But as you
11 know, I had the bill on vampire electronics a
12 couple of years ago and I worked very closely
13 with your shop and have a couple of related
14 bills to that.

15 So small appliances, large appliances,
16 all of that adds up. And I don't think we
17 can be aggressive enough. So look forward to
18 continuing to work -- as well as on carbon
19 removal initiatives.

20 So I'll turn that back to the chair,
21 and thank you so much for the opportunity
22 here.

23 CHAIRWOMAN WEINSTEIN: Sure.

24 Assemblyman Lemondes.

1 ASSEMBLYMAN LEMONDES: Le-MON-deez.

2 Thank you.

3 CHAIRWOMAN WEINSTEIN: Lemondes,
4 sorry.

5 ASSEMBLYMAN LEMONDES: That's okay.

6 My question is for President Harris.
7 Thank you for joining us today. I appreciate
8 the opportunity to interact with you. I have
9 three short questions.

10 The first one is, does NYSERDA
11 envision a complete phaseout of nuclear power
12 over the next decade or two? Number one.

13 Number two is will NYSERDA respond to
14 the -- if you have not already -- the October
15 14, '21, New York Independent System Operator
16 letter? And to date, I am told that there
17 has been no response to that letter. So if
18 you could tell me, will that letter be
19 responded to and when?

20 And third, if you could clarify
21 NYSERDA's position on the impacts of wood
22 burning for upstate New York residents who
23 often, by the thousands, either heat
24 completely with wood or offset their energy

1 costs with wood and are recognizing that wood
2 is a renewable resource, et cetera.

3 Thank you.

4 NYSERDA PRESIDENT HARRIS: Thank you,
5 Assemblymember.

6 I believe your second question related
7 to perhaps a petition that the
8 Independent Power Producers had filed with
9 the Public Service Commission. And in that
10 instance I think I would probably ask
11 Chair Christian to weigh in as to the status
12 of that petition, if that was your question.

13 ASSEMBLYMAN LEMONDES: Yes.

14 NYSERDA PRESIDENT HARRIS: Okay. Let
15 me try the first and the third and then
16 Chair Christian, if that's okay.

17 PSC CHAIR CHRISTIAN: Yup.

18 ASSEMBLYMAN LEMONDES: Perfect.

19 NYSERDA PRESIDENT HARRIS: Great.

20 With respect to nuclear power
21 generation, first, notably, it is the case
22 that we are implementing the program for the
23 zero-emission credits as authorized by the
24 Public Service Commission in support of the

1 upstate nuclear fleet and will continue to do
2 so according to the contracts that we have
3 signed.

4 With respect to the longer-term
5 assessment, I will say that the Draft Scoping
6 Plan that is out for public comment now does
7 include the continued operation of that fleet
8 toward our broader 2040 and 2050 goals. So I
9 would just say, as a baseline condition, that
10 was certainly the assumptions that had been
11 made.

12 Chair Christian, do you want to go
13 next on the IPPNY petition, and then I'll
14 talk about wood briefly?

15 PSC CHAIR CHRISTIAN: Yeah, I fear I'm
16 in a position where I'm not in a good place
17 to comment on that right now. I'm happy to
18 follow up with you. But again, it's a
19 petition coming before the commission, and
20 this may not be the best venue to comment on
21 that -- the specific items on that. But
22 happy to follow up with you --

23 (Zoom interruption.)

24 ASSEMBLYMAN LEMONDES: Okay. So as

1 long -- you will follow up, though?

2 PSC CHAIR CHRISTIAN: Yes, absolutely.

3 ASSEMBLYMAN LEMONDES: All right,
4 thank you.

5 NYSERDA PRESIDENT HARRIS: Thank you.

6 And then on the question of wood
7 burning, just for absolute clarity, there is
8 nothing in the scoping plan that would
9 contemplate a ban on wood burning at all.

10 Instead, there is an assessment of
11 electrification, certainly, for heating that
12 may result in a reduction in wood burning,
13 particularly upstate. But as a general
14 matter, there is no assumption of a ban of
15 any sort.

16 ASSEMBLYMAN LEMONDES: Okay, thank you
17 very much.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 So now we go to Assemblywoman
20 Buttenschon.

21 Is she here? Then we'll go to
22 Assemblywoman Septimo. There we go.

23 ASSEMBLYWOMAN SEPTIMO: Hi, there.
24 Thank you so much.

1 And thank you to the presenters who
2 have been here and spent so much time with us
3 this morning and this afternoon. I will be
4 brief.

5 To President Doreen Harris, I wanted
6 to just come back to the idea that RGGI
7 dollars being pulled into the General Fund
8 are aligned with the CLCPA. First, I know
9 you'd mentioned before that because of the
10 solar credit program that it would sort of
11 still work.

12 The notion of a credit, the notion of
13 someone receiving a tax credit means that
14 they would have to spend money up front. And
15 when you're talking about environmental
16 communities, many of which are low-income,
17 people are just not -- sort of don't have the
18 capacity to do that kind of spending up
19 front.

20 And so thinking about how you're
21 imagining that the solar credit program will
22 balance 35 percent of those dollars coming
23 back to that community when that's the
24 reality.

1 NYSERDA PRESIDENT HARRIS: I do
2 appreciate the question. And I think
3 certainly looked at in isolation, it is the
4 case that there are so many pieces coming
5 together to bring forward the solar goals,
6 and in fact the expanded solar goals, as
7 identified by Governor Hochul last year.

8 It is the case that we need all hands
9 on deck, as with many things, and when I
10 think about tax credits, it's a piece of a
11 bigger puzzle that collectively can aid in
12 achieving our solar goals, which are
13 integrated with our goals to provide 35 to
14 40 percent of benefits to disadvantaged
15 communities.

16 ASSEMBLYWOMAN SEPTIMO: Great. So I
17 think -- I'm happy that that was the answer,
18 because I think it really underscores the
19 idea that there is no way to really guarantee
20 that those solar credit dollars will make it
21 back into the communities.

22 If that money stays in RGGI as it is,
23 that's \$8 million going to environmental
24 justice communities guaranteed, right,

1 because that's what the law says. If you
2 raid the fund and move it into the solar
3 credit program, then you're removing the
4 guarantee that those \$8 million would go to
5 those communities. And that is cause for
6 alarm for me, already asking environmental
7 justice communities to shoulder more burden
8 by removing resources that are guaranteed
9 from them.

10 And secondly, I think just
11 specifically to talk about RGGI raiding, RGGI
12 is a program that was created after the solar
13 credit program, and so the idea that RGGI
14 funding is being pulled into the General Fund
15 to pay for a program that existed before its
16 existence sort of undercuts the point of RGGI
17 existing at all. And I think it kind of
18 violates the spirit of why you create a new
19 program.

20 And so ultimately really want to urge
21 you all to reconsider this RGGI raid for your
22 21-day and 30-day amendments, because I think
23 raiding RGGI funds (a) is going to cost
24 environmental justice communities at least

1 \$8 million. And this was just a really bad
2 habit of the last administration to kind of
3 repurpose this funding over and over, and
4 we'd love to see that really end now.

5 And I will yield the rest of my time
6 to the chair. Thank you.

7 NYSERDA PRESIDENT HARRIS: Thank you.

8 CHAIRWOMAN WEINSTEIN: Thank you.

9 So now we go -- I see Assemblywoman
10 Buttenschon is on camera. So to you.

11 Somehow -- Marianne, you're speaking
12 but we -- try again? We couldn't hear you.
13 Can you speak?

14 We're not hearing you. I think we're
15 going to actually have to skip you -- you may
16 have to log out and log back in. So why
17 don't you do that -- yeah, we still don't
18 hear you. So why don't you log out, log back
19 in, and we'll go to Assemblywoman Glick.

20 Is she available? There's Deborah.
21 Great. You're on, Deborah.

22 ASSEMBLYWOMAN GLICK: Thanks so much.

23 We have enforced ADD by having our
24 tablets on one table and our desktops over

1 here.

2 The question that I have, and maybe --
3 it's going back to the renewable sitings. We
4 made some changes to accelerate the ability
5 for these larger projects to come online. I
6 know my colleagues who represent areas where
7 there's a lot of farmland at threat -- and I
8 agree with their concerns wholeheartedly. I
9 may represent Lower Manhattan, but my folks
10 like to eat too. They have become friendly
11 with a lot of farmers, and those concerns are
12 raised directly with my constituents.

13 One of the issues that I don't think's
14 been discussed is what is the review -- these
15 projects, in order to keep the solar array
16 safe from the incursions of vegetation, you
17 know, use, according to what I've been told,
18 a great deal of herbicides. And there are
19 projects that are near other viable land, and
20 there are concerns about water quality and
21 groundwater spoilage, for lack of a better
22 word.

23 And I'm wondering whether there's any
24 part of the review -- it's not a SEQR review.

1 That may have been for smaller projects, but
2 the larger projects are on a modified review.
3 Do you include any review around what
4 materials will be used and whether or not
5 those will migrate into groundwater and
6 damage streams or other -- or the water
7 supply of neighboring farms and ranches? Or
8 just people's wells?

9 ORES EXEC. DIRECTOR MOAVENI: I
10 suppose that question is for me --

11 ASSEMBLYWOMAN GLICK: Yes, indeed.

12 ORES EXEC. DIRECTOR MOAVENI: Sure.
13 It's a very, very good question.

14 So from -- as I mentioned earlier, the
15 office must consider the environment and
16 consider all pertaining social, economic,
17 public health, safety and local input in
18 making a final decision about these projects.
19 We promulgated a comprehensive set of
20 regulations to address major siting concerns
21 and potential adverse impacts of these
22 facilities, to allow us to evaluate -- first,
23 to receive the necessary information to make
24 appropriate findings and evaluate and make

1 decisions accordingly.

2 So on the list of items that you just
3 mentioned, I can just tell you all of those
4 are covered by our regulations, including
5 potential impacts to water resources, doing
6 certain surveys pre- and post-construction to
7 make sure that we are not potentially
8 contaminating any local public resources and
9 water resources. I can go on and on.

10 And with respect to just public health
11 and safety, it's a paramount concern of this
12 office. We take that very seriously, and we
13 look at it in the context of side-by-side,
14 project-by-project specific, and in light of
15 the CLCPA targets and the environmental
16 benefits of these facilities.

17 So I certainly respectfully refer you
18 to the regulations that are posted on our
19 website, and I would be happy to answer any
20 questions you might have.

21 ASSEMBLYWOMAN GLICK: Well, one other
22 question on that. We -- these facilities,
23 for their own security, have very large, high
24 fences -- I would think to keep out people,

1 but also to keep out wildlife that might come
2 over the -- you know, into their area.

3 But in some instances those rather
4 industrial -- what is the -- without going to
5 your website, can you give me some idea of
6 how far they have to be from individual
7 homes? Because I've heard that there are
8 some places where somebody has bought up
9 parcels and assembles a large parcel, and
10 it's isolating people's homes, you know, and
11 they feel like they are in prison because
12 they have chain-link fences all along the
13 opposite road from them.

14 Is there some buffer distance from
15 private residences that are required?

16 ORES EXEC. DIRECTOR MOAVENI: So yes,
17 we have setback requirements in our
18 regulations as like the absolute minimum
19 safety requirements. If I remember
20 correctly, it's 200 feet from any public
21 residence.

22 We look at the local laws and consider
23 all the -- again, the project-specific and
24 site-specific factors, and we reserve the

1 right to adjust that minimum setback
2 requirement on a case-by-case basis.

3 ASSEMBLYWOMAN GLICK: Well, I
4 appreciate that. But I would suggest that
5 that may not be sufficient for private
6 residences.

7 Thank you.

8 ORES EXEC. DIRECTOR MOAVENI: Sure.

9 CHAIRWOMAN WEINSTEIN: We move on
10 to -- let's see if Assemblywoman Buttenschon
11 is -- if we're able to hear her now.

12 Maybe you have a different device that
13 you can try and just let your office call my
14 office if you're -- if we're able to hear
15 you.

16 So we're going to go to Assemblyman
17 Anderson.

18 ASSEMBLYMAN ANDERSON: Thank you so
19 much, Chairwoman Weinstein.

20 And thank you, President Harris and
21 the rest of the folks who are on tonight's
22 panel.

23 My first question is for PSC. In
24 terms of regulating utility companies, it

1 looks like you guys put in the Executive
2 Budget an additional four full-time employees
3 for support and investigations of utility
4 performance and enforcement. What does that
5 exactly amount to, those four employment
6 positions, in the face of constituents that
7 may face higher-than-normal electric bills
8 and working through some of those issues?
9 That's my first question.

10 My second question for you,
11 Chair Christian, is utility companies often
12 provide utility to public housing
13 developments, but yet there is no liaising
14 between the public housing, you know,
15 authorities and instances in that respect.
16 So I'm just wondering with the additional
17 staffing that you all have proposed in the
18 budget, will there be better liaising or
19 dedicated liaising for -- between the
20 residents of public housing developments that
21 are provided a utility and the company?

22 My questions for -- I'm just going to
23 shoot them all out because we have a limited
24 time. My questions for President Harris,

1 just sort of want to drill down a little
2 further on the question that my colleague
3 Mr. Mamdani asked about the New York Power
4 Authority. It looks like there's additional
5 funding -- there's, excuse me, a decrease in
6 funding to NYPA proposed in the Governor's
7 budget.

8 But I'm just wondering what -- I guess
9 what preventative -- what measures are being
10 put in place to ensure the growth of NYPA and
11 the expansion of NYPA given the limited scope
12 that NYPA has currently?

13 And then I'll pause to get answers
14 from Chairman Richards {sic} and then
15 President Harris, and then I have my last set
16 of questions for NYSERDA.

17 PSC CHAIR CHRISTIAN: Okay, so I will
18 move quickly.

19 So the Executive Budget increase that
20 you're seeing this year, if approved, would
21 allow us to hire 37 new full-time employees.
22 And to reiterate, that's the highest increase
23 we've had since 2014. And that actually
24 restores us to the staffing level we had a

1 few years ago. So this will definitely help
2 us address a number of the new priority areas
3 created by the passage of the CLCPA,
4 particularly with deployment of renewables,
5 deployment of CLCPA policy, resilience,
6 oversight enhancement, so on and so forth.

7 To address your specific question
8 regarding customer outreach and helping
9 consumers, as it is today, our agency
10 staff -- our Consumer Services Unit does that
11 outreach, and they represent roughly
12 20 percent of our agency staff. And a
13 portion of that allotment of 37 would likely
14 go towards that group. We're working out
15 exactly those allocations --

16 ASSEMBLYMAN ANDERSON: I'm sorry, but
17 Chairman Richardson {sic}, what do you mean,
18 that group? Are you speaking specifically
19 about public housing residents getting
20 liaising -- liaisoning support?

21 PSC CHAIR CHRISTIAN: So, sir -- it's
22 Christian, by the way.

23 ASSEMBLYMAN ANDERSON: Christian. I'm
24 sorry, Christian.

1 PSC CHAIR CHRISTIAN: It's okay.

2 That's fine.

3 I'll answer that question next in a
4 moment. But no, I'm not talking specifically
5 to public housing. This is our Consumer
6 Services Unit that's applicable to all
7 customers for all utilities throughout the
8 state.

9 Specific to public housing -- this is
10 a subject near and dear to me specifically
11 because of my time with the New York City
12 Housing Authority in years past -- there is a
13 liaison or should be liaisons already in
14 place between the utilities -- specifically
15 NYPA -- and the New York City Housing
16 Authority. I believe these are still in
17 place. If not --

18 ASSEMBLYMAN ANDERSON: I can assure
19 you they're not. I've had gas outages as
20 well as power outages in the short year and a
21 half that I've been in office, and getting
22 PSEG alive on the phone, for example, for
23 those units has been frustrating just to say
24 the least.

1 PSC CHAIR CHRISTIAN: Oh, I see.
2 Okay. So this is something I'm very
3 interested in following up with you on and,
4 if you're comfortable having a conversation
5 after this meeting, would love to understand
6 the concern and which public housing
7 authorities are in question. I think there
8 may be disparate experiences across the
9 state, and I'd love to better understand
10 that.

11 ASSEMBLYMAN ANDERSON: Thank you.

12 PSC CHAIR CHRISTIAN: Thank you.

13 ASSEMBLYMAN ANDERSON: And really
14 quickly, for President Harris, my two
15 questions for you.

16 NYSERDA PRESIDENT HARRIS: Thank you,
17 Assemblymember. I apologize, there was one
18 question with respect to NYPA that I'd be
19 glad to take up.

20 ASSEMBLYMAN ANDERSON: Yes, okay, so
21 then let me throw my NYSERDA in really
22 quickly.

23 Offshore wind projects that are
24 projected to take place in and around the

1 much.

2 CHAIRWOMAN WEINSTEIN: So we think we
3 have Assemblywoman Buttenschon. She's gotten
4 the tech help to redo the computer. So
5 Marianne? Let's hold our fingers crossed.

6 ASSEMBLYWOMAN BUTTENSCHON: Can you
7 hear me?

8 CHAIRWOMAN WEINSTEIN: Definitely.
9 Okay, you're on.

10 ASSEMBLYWOMAN BUTTENSCHON: Thank you
11 so much, everyone, for your -- chairs, to our
12 panelists.

13 Many of my colleagues have brought the
14 questions up concerning rate increases, the
15 wood burning, to just name a few, that
16 reflect my district. However, I do have two
17 questions.

18 Delivering quality and reliable
19 internet access to all New Yorkers is a
20 priority. However, I've heard from my small
21 companies in the district that provide this
22 service, and they have stated that the PSC
23 filings have become complicated and detailed
24 to the point that they either have to hire an

1 outside consultant or dedicate staff to meet
2 the needs of these filing deadlines.

3 Can you advise me if there's any plans
4 to assist our small businesses with this
5 overwhelming task, as well as the overlapping
6 of federal filings so that they could merge
7 together?

8 And I'll give my second question
9 regarding solar energy. Our solar goals are
10 commendable, but I have concerns about the
11 conversion of our much-needed productive
12 farmland to solar industrial parks. So my
13 question is how many state-owned properties
14 currently host or are being considered to
15 host industrial solar parks, as well as with
16 the new NY-Sun program, do we prioritize
17 utilizing developed and/or urban-suburban
18 properties over our farmlands?

19 Thank you.

20 PSC CHAIR CHRISTIAN: So I'll start
21 with your first question regarding internet
22 filings.

23 So generally speaking the process that
24 we have -- the process we have has been in

1 place for a very, very long time. I don't
2 know the exact length of that time. But
3 ultimately it's a uniform process that all
4 utilities must comply with, be it Con Edison
5 or a small -- smaller telecom company.

6 I'm not entirely sure what the issue
7 is, as it was presented to you. However, I
8 am curious to learn more about the problems
9 they encountered in the process and see if
10 it's possible we could have discussions with
11 those affected and come up with a way to
12 streamline that process in some way.

13 I know that our offices do assist
14 companies in developing their proposals, so
15 that's potentially an option that we could
16 pursue. But ultimately I feel like a
17 follow-up would be the best way to address
18 that issue that you've raised today
19 regarding --

20 ASSEMBLYWOMAN BUTTENSCHON: So I guess
21 I just want to ask, so you haven't required
22 more filings for these companies over the
23 last --

24 PSC CHAIR CHRISTIAN: No, the filing

1 process is fairly consistent and uniform for
2 everyone.

3 ASSEMBLYWOMAN BUTTENSCHON: And it
4 hasn't become more detailed or complex.

5 PSC CHAIR CHRISTIAN: No. No.

6 ASSEMBLYWOMAN BUTTENSCHON: Thank you.

7 PSC CHAIR CHRISTIAN: No problem.

8 NYSERDA PRESIDENT HARRIS: With
9 respect to your question about state-owned
10 properties, in fact I would say that that is
11 a central consideration of our Build-Ready
12 program that NYSERDA is implementing and
13 looking at what is deemed underutilized sites
14 for solar installations. And in fact we have
15 worked very closely with OGS and others to
16 sort of winnow down state-owned properties
17 for consideration and are advancing a number
18 of sites now through that process.

19 And in addition to your question
20 around our broader goals, as a general matter
21 it will serve us all well to site solar on
22 underutilized land. And that is --

23 ASSEMBLYWOMAN BUTTENSCHON: So again,
24 how much state property at this point is

1 being utilized for solar industrial?

2 NYSERDA PRESIDENT HARRIS: I
3 apologize, I will have to get back to you
4 with the exact metric. But I'm remembering
5 dozens if not more that we were looking at; I
6 just don't have the installation numbers,
7 which we'll get back to you on.

8 ASSEMBLYWOMAN BUTTENSCHON: And as
9 you're aware, the question revolves around
10 the concern of the farmers in my area that --
11 so again, do we prioritize developed property
12 in urban and suburban settings over our rural
13 farms? Or is there no priorities?

14 NYSERDA PRESIDENT HARRIS: There are
15 certainly priorities both in our NY-Sun
16 program with programs -- or subsets that are
17 focused on brownfields, landfills, rooftops
18 and the like, as examples.

19 And then further through our
20 large-scale renewables program, we actually
21 provide a framework that preferentially
22 benefits developers who avoid those lands
23 altogether as well. And certainly a great
24 partnership with the Department of

1 Agriculture & Markets in that respect.

2 ASSEMBLYWOMAN BUTTENSCHON: Okay. So
3 again, would it be 50 percent that you see
4 moving towards developed, or are you moving
5 more towards the farm properties? Or you're
6 going to have to get back to me.

7 NYSERDA PRESIDENT HARRIS: I would
8 have to -- yeah, I don't --

9 ASSEMBLYWOMAN BUTTENSCHON: Thank you.

10 NYSERDA PRESIDENT HARRIS: Thank you.

11 ASSEMBLYWOMAN BUTTENSCHON: I look
12 forward to that, and others. So thank you.

13 NYSERDA PRESIDENT HARRIS: Thank you.

14 CHAIRWOMAN WEINSTEIN: I'm going to
15 call on Assemblywoman Griffin. She was
16 having some connection problems, so she may
17 be on her phone. So let's see if that works.

18 ASSEMBLYWOMAN GRIFFIN: Okay, this is
19 Judy Griffin. Can you hear me?

20 CHAIRWOMAN WEINSTEIN: Yes, we can,
21 Judy, we can hear you.

22 ASSEMBLYWOMAN GRIFFIN: Okay, thank
23 you, Chair. I will try to be brief.

24 My first question is to Chair

1 Christian of the PSC. Following up on
2 Senator Kaminsky's and Assemblymember Ra's
3 statements or questions about the legislation
4 we passed to lay the framework for the
5 municipalization of water, I just wondered,
6 now that it's moving along, commissioners
7 have been chosen, it seems that to move it
8 forward there's going to be a need for an
9 allocation of funding.

10 And I wondered what your thoughts are
11 on that -- you know, if it seems like that
12 should be laid aside or we should request
13 that it be laid aside. So I just wanted your
14 feedback on that.

15 PSC CHAIR CHRISTIAN: I regret that
16 I'm not entirely sure how to answer that
17 question.

18 ASSEMBLYWOMAN GRIFFIN: Okay.

19 PSC CHAIR CHRISTIAN: But from the
20 perspective of the PSC and just my
21 understanding of the process, the recent
22 order we established kind of lays out a
23 framework and a study which can be done to
24 enable municipalization. But in terms of the

1 Thanks for the question.

2 I would say as a general matter
3 Long Island is well out of the curve with
4 respect to solar deployment. In fact, I
5 think the number I had seen recently was over
6 750 megawatts of solar deployed across
7 Long Island. So as a general matter, really
8 good progress there.

9 And I would say beyond that, as we
10 look to our 10 gigawatt goal that we have now
11 initiated with the Public Service Commission,
12 I would say that the LIPA board and the LIPA
13 team would generally look to contribute
14 commensurately through their own programming
15 that may be supported, you know, through
16 various means, is probably the best way to
17 put it.

18 ASSEMBLYWOMAN GRIFFIN: Okay. All
19 right. Well, thank you very much. I
20 appreciate your answers. Thank you.

21 NYSERDA PRESIDENT HARRIS: Thank you.

22 ASSEMBLYWOMAN GRIFFIN: Bye-bye. I
23 will concede the rest of my time. Okay,
24 thanks.

1 CHAIRWOMAN WEINSTEIN: We will go to
2 Assemblyman Walczyk.

3 ASSEMBLYMAN WALCZYK: Thanks so much,
4 Madam Chair.

5 Madam President, nice to see you and
6 converse with you again. Appreciate all the
7 answers today.

8 You told Assemblywoman Lunsford that
9 we're looking at double peak and double
10 overall for electricity usage in New York
11 State, was that right? Did I hear that
12 right?

13 NYSERDA PRESIDENT HARRIS:
14 Approximately, yes. That's a 2050 number.
15 But yes, that's the --

16 ASSEMBLYMAN WALCZYK: Is there any
17 kind of idea or perspective of the breakdown
18 of industrial versus homeowner? Would we
19 anticipate the majority of that would be on
20 the homeowner?

21 NYSERDA PRESIDENT HARRIS: Can you
22 expand on that question? I want to make sure
23 I enter it factually.

24 ASSEMBLYMAN WALCZYK: Yeah. If you're

1 doubling the overall electricity usage in
2 New York State, how much of that would be on
3 industrial purposes?

4 NYSERDA PRESIDENT HARRIS: Got it.

5 My recollection is it was actually a
6 fairly even split. The integration analysis
7 that we produced provided a split between
8 residential and then commercial and
9 industrial. And if I recall, I think it's
10 about half and half.

11 ASSEMBLYMAN WALCZYK: Pretty even?

12 Okay. What -- and I've asked some of these
13 questions before, but you probably have some
14 more numbers these days.

15 What number of homes in New York State
16 have 100-amp service or less? Do we have any
17 perspective on that?

18 NYSERDA PRESIDENT HARRIS: Yes. Yeah,
19 thank you for that question. I know we had
20 talked about this a year ago or thereabouts,
21 or maybe less. And it is something we've
22 been working on carefully. Because as you
23 have indicated, and we agree, electrifying
24 homes is going to potentially necessitate

1 upgrades to fully electrify. So the panels
2 that may be existing may need to be upgraded
3 to have 200-amp service, and in some cases
4 even more, depending on how much
5 electrification we're talking about,
6 particularly of vehicles.

7 And as I believe my team has shared
8 with you, but I have now further confirmed,
9 it looks like on average we are looking at a
10 need for an upgrade of about a quarter of our
11 building stock to that type of service. So
12 again, it would be about a quarter that might
13 have under 200-amp service now that would
14 need to be upgraded.

15 ASSEMBLYMAN WALCZYK: Okay, so you're
16 operating under the idea that 200-amp service
17 is going to be suitable for most homeowners
18 in New York State?

19 NYSERDA PRESIDENT HARRIS: That's
20 correct. The higher amperages would be
21 necessary perhaps if you had a -- more than
22 one vehicle to charge at a time or other
23 heavy -- high-load needs.

24 ASSEMBLYMAN WALCZYK: And maybe you

1 know this answer, Madam President, or maybe
2 we have to tap one of your colleagues here.
3 What would the average cost for a homeowner
4 to upgrade from 100-amp to 200-amp service
5 look like?

6 NYSERDA PRESIDENT HARRIS: So I think
7 I would have to ask a colleague for that.
8 When we look at the broader needs for
9 electrification, I look at it on a full
10 capital cost basis, which would include both
11 the upgrades as well as the provision in this
12 case of heat pump technology to electrify the
13 heating and cooling.

14 So unless Chair Christian has anything
15 to add, that's the general -- I look at it
16 collectively rather than the very specific
17 cost of the upgrade.

18 ASSEMBLYMAN WALCZYK: Okay. If we're
19 going to collect them, then, I guess you've
20 got the upgrade of insulation in order to
21 make heat pumps even marginally feasible for
22 the purpose of heating -- at least air source
23 heat pumps, right? You've got the upgrade of
24 a 100-amp to 200-amp service for at least a

1 quarter or 25 percent of New York State
2 homeowners. You've got the upgrade of the
3 transmission lines possibly that could be
4 increasing the capacity for each neighborhood
5 to be able to handle all of those doubles in
6 amperage service to those neighborhoods.

7 When you total all that up, what does
8 it look like for the individual homeowner in
9 those 25 percent cases?

10 NYSERDA PRESIDENT HARRIS: Yes. So
11 the metric that I had wanted to reference
12 that I had earlier was really with respect to
13 new connection, Assemblymember. So if you're
14 looking for sort of a retrofit cost, I
15 probably shouldn't attempt an answer.

16 But if you're interested in sort of
17 what is a new electrified home cost on a
18 capital cost basis versus one utilizing gas
19 for heating, I'd be glad to provide that.

20 ASSEMBLYMAN WALCZYK: Yeah, really I
21 think -- and honestly, this would be some
22 suggestion or direction back to you. I think
23 given population trends and the fact that we
24 lost half a million people in the last two

1 years, we're really not looking at a whole
2 lot of new builds in New York State.

3 I think retrofit, especially when
4 you're talking about poor and disadvantaged
5 New Yorkers, is probably the best way to
6 look. We have a really old housing stock in
7 the district that I represent, and it's
8 dissimilar than most districts in upstate
9 New York, where we'll be looking at shifting
10 from those gas appliances that run pretty
11 cheaply and, in large, efficiently to heat
12 homes especially. And if you're shifting
13 that home to, you know, \$10,000 or \$15,000
14 worth of heat pump technology, \$5,000 in
15 National Grid upgrades for the service to
16 that home, the internal guts to electrify --
17 and then we haven't even begun talking about
18 the cost of installation of new insulation
19 that we're buying from China, you can see
20 that tally can get up -- I mean, I've heard
21 figures anywhere from \$10,000 to \$50,000 for
22 this 25 percent of New York homes that you're
23 talking about.

24 Am I in the right ballpark here?

1 NYSERDA PRESIDENT HARRIS: Yeah, I
2 would say that it very -- as you have
3 accurately identified, and on the basis of my
4 personal experience, it does very much depend
5 on the nature of the fuel that you are
6 currently using.

7 And so for me, in a rural area where
8 the predominant heat source is oil or
9 propane, it actually makes much more economic
10 sense in the very near term to electrify my
11 home. And then as those costs come down, we
12 get closer to parity and reach parity for
13 other natural gas customers as well.

14 But the capital cost of this equipment
15 roughly is in line, as I understand it, with
16 your estimates.

17 ASSEMBLYMAN WALCZYK: I -- thank you
18 for that. I do appreciate it.

19 I'm going to jump geopolitical real
20 quick. I think most of us realize that China
21 is not a really excellent climate partner
22 when it comes to all of the goals that we've
23 set forth. I think many of us wish that they
24 would jump on board.

1 Is there anything the CLCPA, our
2 statute, the Governor has presented that will
3 require us -- or will prohibit us from buying
4 all of these products, from insulation to
5 mini-splits, to, you know, all of the
6 technology -- heat pumps, wind, solar, all of
7 those things -- anything to prohibit us from
8 purchasing those from China?

9 NYSERDA PRESIDENT HARRIS: Certainly
10 the Buy America provisions from last year's
11 budget is a good example of something that
12 we're working now to implement, really
13 looking at our domestic supply chain and
14 fundamentally what areas, as to your point,
15 of the foundational equipment we could and
16 should support not only from New York but
17 frankly from the U.S. And I know
18 President Biden is -- his policies in
19 Buy American are quite similar.

20 So I would say, with respect to
21 renewables, we're hard at work in that
22 regard.

23 ASSEMBLYMAN WALCZYK: Thank you for
24 the time.

1 Thank you, Madam Chair.

2 NYSERDA PRESIDENT HARRIS: Thank you.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We go to Assemblyman Brown.

5 ASSEMBLYMAN BROWN: Thank you, Chair.

6 My question is really for any of the
7 three panelists. Just to put it into
8 context, my district, District 12, has the
9 Northport Power Plant. I could actually hit
10 it with a stone's throw from my house.

11 And I had two questions that relate to
12 as we move towards an all-electric economy,
13 my question is how are we going to bridge the
14 tax base for host communities that rely on
15 those property taxes to subsidize the school
16 districts?

17 Last year, in a one-house bill, there
18 was some money that was set aside for that
19 school district, East Northport School
20 District, and some others, to help lessen the
21 blow from a recent tax certiorari case.

22 And what is the long-term plan where
23 if we're replacing the so-called dinosaur
24 plants with alternative energy, there is as

1 far as I know no taxes that are going to, you
2 know, stem from offshore wind or solar
3 installations. So how do we make up the
4 difference and how do we help host
5 communities make that transition to an
6 all-electric economy? That's my first
7 question.

8 And I might as well just get my second
9 question out too. As an owner of an electric
10 vehicle, I do appreciate the fact that
11 gas-powered vehicles pay a gas tax which
12 helps subsidize the repairs on our highways.
13 And as more and more electric vehicles are
14 put on the road, how are we going to make up
15 the differential in the gas tax?

16 (Pause.)

17 ASSEMBLYMAN BROWN: That's for any of
18 the panelists.

19 NYSERDA PRESIDENT HARRIS: Certainly.

20 Well, on the first topic, it is true
21 that there are a few different work streams
22 that are underway around the transition, as
23 we call it, to clean energy. Your particular
24 example is one that I think is likely going

1 to be true for other communities as well. In
2 fact, the Just Transition Working Group has
3 focused on this point directly over the past
4 year or more.

5 So the ESD program, the Electric
6 Facility Cessation Mitigation Program, is a
7 good example of a framework that is helpful,
8 at least in the first instance, to ensure
9 what I would say is -- will allow the
10 transition to occur in a more equitable way
11 by providing economic development
12 opportunities in those communities.

13 It is also the case that we at
14 NYSERDA -- and really to help these
15 communities in this transition -- have
16 developed a site-reuse toolkit to aid the
17 communities in navigating the site reuse
18 questions and, frankly, to determine the best
19 productive new use for retiring
20 infrastructure as well.

21 ASSEMBLYMAN BROWN: So President
22 Harris, I appreciate that. And I also
23 recognize the fact that there's a gigantic
24 substation that's next to the power plant.

1 And the reuse and redevelopment, you know, of
2 that is very important to our community.

3 So I look forward to, you know, being
4 involved with those discussions along with my
5 Senator colleague.

6 NYSERDA PRESIDENT HARRIS: Yes, thank
7 you. And certainly hope to engage with you
8 directly if there are opportunities to do so.

9 On the tax question, this has actually
10 been a significant point of discussion among
11 the Climate Action Council members, and
12 specifically the Transportation Advisory
13 Panel, which includes obviously my colleague
14 and, most expert on this topic,
15 Commissioner Dominguez.

16 However, I would say the final scoping
17 plan is really going to be looking at what we
18 call economywide strategies because of the
19 fact that there will be a necessary shifting
20 of sort of the sources and uses of funds
21 through this transition. This is indeed a
22 national and a state issue together.

23 And I would say also, as to the point
24 with respect to federal interventions, the

1 formula funding is an opportunity for us to
2 advance again that economywide strategy as
3 well.

4 ASSEMBLYMAN BROWN: Great.

5 And my last question I have I think is
6 more directed to Chair Christian.
7 Assemblyman Thiele has a bill, LBDC Number
8 136010600-1, which calls for the
9 municipalization of LIPA. It never really
10 sat well with me, and the more I got involved
11 with the LIPA lawsuit, the recent one, why
12 LIPA is not subject to the PSC. You want to
13 take a stab at that and the proposed
14 municipalization and how you feel about the
15 proposed municipalization?

16 PSC CHAIR CHRISTIAN: A couple of
17 questions in there.

18 So I don't feel one way or the other
19 about the proposal. I know municipalization
20 was first proposed -- or most recently
21 proposed in the wake of Tropical Storm
22 Isaias, and that was viewed as an option to
23 achieve a number of the objectives set out
24 for reliability. Ultimately -- and forgive

1 me, I'm trying to remember the exact details
2 here. But I believe the settlement with
3 PSE&G Long Island ultimately achieved all the
4 goals that were set forth at the beginning of
5 that process.

6 So, you know, the -- ultimately if
7 there's a choice to municipalize, as I've
8 said with other instances, it would be a
9 local choice. It would take several years
10 and ultimately need to be vetted. And that's
11 all I can really say to that.

12 ASSEMBLYMAN BROWN: Okay. Thank you.

13 CHAIRWOMAN WEINSTEIN: We have two
14 members before we go to the panel of
15 public -- so we have Assemblyman Manktelow,
16 and he'll be followed by Assemblyman Tague.

17 ASSEMBLYMAN MANKTELOW: Thank you,
18 Chairwoman.

19 President Harris, just a question
20 going back on something you said earlier
21 today, quite a bit earlier. You said there
22 are health benefits to the students that are
23 riding electrical buses. Do you remember
24 saying that?

1 NYSERDA PRESIDENT HARRIS: Oh,
2 definitely. Yup.

3 ASSEMBLYMAN MANKTELOW: So I did some
4 research here, and talking to many of the bus
5 mechanics and engine mechanics, and what
6 they're telling me now is with the new
7 standards and the diesel engines, that the
8 air going into those engines are cleaner than
9 the air coming out the back side.

10 So is there something that we can do
11 to maybe slow down the push of electric buses
12 to help the schools get through this hump?
13 And also not just the schools, but talking to
14 the local electric suppliers, you know, it's
15 going to take time to put these substations
16 in, get the power to them. Is that a
17 consideration?

18 NYSERDA PRESIDENT HARRIS: Certainly.
19 So I'm glad you're doing your research as
20 well.

21 So when I talk about the school bus
22 proposal within the budget, I think it's
23 important to note that there are a few
24 different ways to advance this type of

1 initiative. And the specific language is
2 zero-emission school buses. So just for
3 clarity, I want you to know that, you know,
4 there could be multiple pathways to achieve
5 that objective, depending on how -- again,
6 what technology is brought to bear,
7 fundamentally, to achieve that zero-emission
8 framework.

9 So with that said, I would say in the
10 near term, as with many things, we see a
11 future that points to electrification as the
12 most direct and near-term opportunity, but
13 with medium and heavy-duty vehicles like
14 buses, I would say there are other
15 technologies that are advancing in parallel.

16 So I think it could be the case that
17 your specific question could be fulfilled in
18 another way as well.

19 ASSEMBLYMAN MANKTELOW: Okay, thank
20 you for that.

21 One other question, Madam President.
22 You were talking about wood burning earlier,
23 and I know in my district we have a lot of
24 people that burn wood. We have a lot of

1 Amish families and communities that that's
2 all they use. And you said there was nothing
3 in the policies or whatever we're going to do
4 to stop that. Is there ever going to be a
5 charge to them for burning wood?

6 NYSERDA PRESIDENT HARRIS: So just to
7 be clear, I'll say it again: Our scoping
8 plan does not contain any recommended actions
9 related specifically at wood burning. And in
10 fact it definitely does not include a ban or
11 a proposed ban.

12 As I had indicated, it is likely the
13 case that residential wood use could decrease
14 in the future, along with efficiency
15 improvements and electrification as
16 prescribed. And frankly, in some of these
17 very cold climates in the northern part of
18 our state, it could be needed to bolster a
19 heat pump during periods of really, really
20 cold temperatures.

21 So as a general matter, that's the
22 framework. There is no contemplated fee or
23 anything of the sort related to it.

24 ASSEMBLYMAN MANKTELOW: Okay, I

1 appreciate that.

2 I'm not sure who to ask this question
3 to. But as we continue to move forward with
4 green energy, more electrification, when
5 we're not putting any more pipelines in, when
6 we're not putting any more fuel oil
7 containment locations, what happens when the
8 power goes out? What is the backup?

9 PSC CHAIR CHRISTIAN: Well, I'll -- if
10 you don't mind, I'll answer a little bit of
11 this.

12 So the goal of all of our efforts, and
13 you've heard bits and drabs of this
14 throughout my testimony today, is to make the
15 system as reliable and as connected --
16 interconnected as possible. The existing
17 grid as we have it, or as it was originally
18 built, was very much a command-and-control
19 grid: Centralized power in one place, users
20 of that power in another, and power moved in
21 one direction.

22 What we're proposing is a grid that is
23 far more interconnected, where power
24 consumers are also power providers. So an

1 individual with a solar on their roof, an EV
2 in their garage, could as much use power from
3 the grid and provide power back to the grid.
4 So in systems where we do have outages, where
5 a power plant isn't working or we're not
6 providing enough power, that ecosystem of
7 distributed resources envisioned for the
8 future can provide that additional point of
9 resiliency. So that's one.

10 In addition to that we are talking
11 about making the grid itself much more
12 robust. So I mentioned earlier an
13 undergrounding study that we're pursuing, and
14 that's going to help with making the lines
15 less prone to storm damage.

16 And then finally, with the individual
17 homes themselves -- and Doreen mentioned this
18 earlier -- we want to make sure that they're
19 well-insulated and that they can essentially
20 use less energy when it is needed most. So
21 if you imagine an older home, it's very
22 leaky, you have that oil burner burning,
23 you're using a lot of oil to keep that place
24 warm, and much of that heat is flowing out

1 the leaked-heat gaps in the windows and the
2 roof. By tightening those homes and making
3 them airtight, you need significantly less
4 energy to keep that same space warm.

5 So there are a lot of things that are
6 being built in right now from multiple
7 perspectives. None of them by themselves is
8 sufficient to meet our needs. But
9 collectively, they work together to create a
10 system where we can not only use less energy,
11 but create a more resilient grid that can
12 take us to the future.

13 ASSEMBLYMAN MANKTELOW: All right, I
14 appreciate those answers. I know my time is
15 up. So the executive director for Renewable
16 Energy Siting, I'll send you my question.

17 So thank you. Thank you, Madam Chair.

18 CHAIRWOMAN WEINSTEIN: We go to
19 Assemblyman Tague, the last member with
20 questions before we move on to the panel.

21 ASSEMBLYMAN TAGUE: Well, thank you,
22 Chairwoman. And I'd also like to thank
23 Chairwoman Krueger, our ranker, Ed Ra, and
24 Senate Ranker O'Mara. Thank you and your

1 staffs. I know this is a tough job, and
2 we're probably not even at halftime yet, so
3 it's probably going to be another long night.
4 But thank you very much to you folks and your
5 staff for this hearing.

6 I'm going to start off asking
7 President Harris a couple of questions. And
8 please, if I've asked the wrong person,
9 Mr. Christian or Mr. Moaveni, please feel
10 free to chime in.

11 But we had a hearing earlier this year
12 as well, and I think Assemblywoman Rojas and
13 myself both asked a question that never got
14 answered. And I'm going to ask it again.
15 What is the definition of environmental
16 justice community? And what is the -- also,
17 what is the definition of a disadvantaged
18 community?

19 I'm going to follow up to that. And
20 how do we determine that those communities
21 indeed fit that definition? And then what do
22 we do differently with those communities than
23 we do with other communities?

24 NYSERDA PRESIDENT HARRIS: Certainly.

1 And I'm glad you've asked the question again
2 so that we can make sure we get it answered.

3 So the Climate Justice Working Group
4 has certainly been hard at work over the
5 course of the last year and beyond, first to
6 develop a draft set of criteria to identify
7 what disadvantaged communities are -- we call
8 that an interim definition -- so that we
9 could begin to direct our funds accordingly,
10 consistent with the Climate Act objectives.

11 So I would say in the first instance
12 there was an interim definition which now
13 actually has been advanced to a draft
14 definition that will be subject to public
15 comment over the course of 2022. And
16 fundamentally what we're talking about is a
17 set of criteria that can allow us to look on
18 a map and identify communities where we want
19 to direct our investments and the benefits
20 thereof.

21 So there's a really long list of
22 criteria that are indicators to help do so,
23 and then specifically there was a proposal to
24 expand beyond that to include any low-income

1 household no matter where they live in the
2 state so that we captured even, you know, the
3 more rural communities where the draft
4 criteria might not pick up.

5 So I would say that is going to be the
6 subject of a public comment period very soon,
7 120 days. And my hope is at the end of the
8 day we have a very clear framework that we
9 can all work from to direct these well-needed
10 investments.

11 ASSEMBLYMAN TAGUE: Okay. Then I
12 just -- I have two other quick questions.
13 Actually, one's more of a statement.

14 We've talked a lot about wind power
15 and solar today, and I think that
16 Senator Hinchey, she and I -- we represent
17 much of the same area. I think she did a
18 very good job of explaining the concerns that
19 all of us have with the usage of farmland, so
20 I'm not going to get into that.

21 But I've heard several times today
22 that NYSERDA and the CLCPA put benefits of
23 the investment, which you put in the billions
24 of dollars -- you put the benefits higher

1 than the costs. But I have some concern
2 there because do we really know what the
3 benefits are? I mean, can you sit here today
4 and tell us what the benefits are? And to be
5 quite honest, really, no one has knocked down
6 a dollar amount to exactly what this is going
7 to cost.

8 NYSERDA PRESIDENT HARRIS: Yes, thank
9 you for that question as well.

10 So the framework that was part of the
11 scoping plan is what we call a societal look
12 at costs and benefits. And certainly this is
13 on the basis of a well-established body of
14 work when we talk about what the benefits
15 are.

16 So generally, by category, I think
17 about the first in the realm of emissions
18 reductions central to the Climate Act,
19 certainly. Second, health benefits that will
20 come in the realm of better health overall,
21 avoided hospitalizations and deaths resulting
22 from these emissions. And then third, the
23 economic benefits that will come from the
24 investments as well.

1 So I would say we worked very hard to
2 ensure that through that assessment we used
3 not only the best body of literature and
4 analysis, but also put it to bear on our own
5 policy, which when collectively, on a
6 societal look, was all added up, we saw
7 significant net benefits through these
8 investments.

9 ASSEMBLYMAN TAGUE: I appreciate -- I
10 appreciate your time. I think this is to be
11 continued. But I appreciate your time,
12 appreciate all of you for testifying today.

13 Thank you, Chairwoman.

14 CHAIRWOMAN WEINSTEIN: Senator
15 Krueger, so the Assembly --

16 CHAIRWOMAN KRUEGER: Yes. The
17 Assembly is complete?

18 CHAIRWOMAN WEINSTEIN: -- is exhausted
19 and has exhausted our list.

20 CHAIRWOMAN KRUEGER: (Laughing.) And
21 the Senate has also exhausted our list.

22 And as many people said, to be
23 continued -- because, as I often am caught
24 saying, if we don't address climate, pretty

1 much everything else we care about becomes
2 moot pretty quickly.

3 So I want to thank all three of our
4 panelists for spending so much time, and for
5 so many thoughtful responses. And I think
6 you have a better sense of where the concerns
7 of the Legislature lie. But I assure you
8 that we want to work with you because we need
9 to be successful and we need you to be
10 successful.

11 So I'm going to excuse you all and
12 continue with the panel of nongovernmental
13 representatives -- of course you can stay and
14 listen. You can stay all day and night if
15 you like, that's what we'll be doing.

16 NYSERDA PRESIDENT HARRIS: Thank you.
17 Thank you for having us. I really appreciate
18 it.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much.

21 NYSERDA PRESIDENT HARRIS: Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 ORES EXEC. DIRECTOR MOAVENI: And for
24 the opportunity.

1 CHAIRWOMAN KRUEGER: Thank you.

2 I'm going to read through the list of
3 the nongovernmental testifiers for this part
4 of the hearing and then just ask you each to,
5 in the order I read your names, just then
6 start to testify.

7 You each have three minutes, and then
8 all legislators have up to three minutes to
9 ask questions of the panel.

10 The Long Island Progressive Coalition,
11 Ryan Madden, sustainability organizer; the
12 New York Geothermal Energy Organization, Bill
13 Nowak, executive director; Food & Water
14 Watch, Alex Beauchamp, Northeast regional
15 director; Public Utility Law Project of
16 New York, Richard Berkley, executive
17 director; and Sane Energy Project,
18 Kim Fraczek, director.

19 And just in the order I read you, you
20 should start your three minutes of testimony.

21 MR. MADDEN: All right. Good
22 afternoon at this point, everyone. Thanks
23 for slogging through.

24 My name is Ryan Madden, with the

1 Long Island Progressive Coalition. Long
2 Island is on the frontline of climate change,
3 and we pay some of the highest electricity
4 rates in the country. It is with the reality
5 of the climate and energy crisis and our
6 ongoing commitment to climate justice and
7 energy democracy that we offer the following
8 for inclusion in this year's budget.

9 We join with hundreds of organizations
10 across New York State in calling for the
11 inclusion of a \$15 billion investment in
12 climate, jobs and justice, a figure that
13 represents the investments necessary to meet
14 our goals under CLCPA, a figure that was most
15 recently validated by New York State itself.
16 The Climate Action Council recently adopted
17 NYSERDA's estimate that we need a minimum of
18 \$10 billion annually, with increases every
19 year starting now, to maximize the benefits
20 and reduce climate risk.

21 The Governor's Budget includes a
22 \$1 billion increase to the Environmental Bond
23 Act, along with other important climate
24 spending, but it does not nearly reach the

1 scale that we need. And without proper
2 funds, we risk turning the CLCPA into a paper
3 tiger.

4 We will need to determine a long-term
5 revenue stream to meet these figures over
6 time, but this year must be the year that we
7 acknowledge the reality of what's needed and
8 commit to it.

9 We must include the Long Island Power
10 Authority Commission Bill in this year's
11 budget, along with a sufficient appropriation
12 in order to staff and support it. The time
13 to reimagine LIPA is long past due. Our
14 utility and the systems of oversight around
15 it have failed Long Island and the Rockaways
16 over and over again. It is time to end
17 decades of failed public-private partnerships
18 that have put profits over people. We need
19 true public power. LIPA can save nearly
20 \$1 billion over the next decade through
21 municipalization. It can lower rates,
22 improve service for customers, invest in
23 resilient infrastructure, and improve its
24 crisis management with these resources.

1 This commission process will develop
2 the roadmap for the restructuring of LIPA so
3 that it is led by those most impacted by
4 decisions concerning our energy system. With
5 the end of PSE&G's contract in 2025, there's
6 no time to waste.

7 We must also include the NY Build
8 Public Renewables Act in this year's budget.
9 Currently NYPA is legally prohibited from
10 owning more than six utility-scale generation
11 facilities. BPRRA would remove this
12 limitation, allowing NYPA to scale up
13 renewable energy generation faster, cheaper
14 and more efficiently, with the workers and
15 communities in mind, in ways the private
16 sector will never do.

17 As the country's largest publicly
18 owned energy provider, NYPA can take
19 advantage of having some of the highest-rated
20 green bonds in the country to make the
21 up-front investments that are necessary to
22 put us on track to meet our renewable
23 mandates. This proposal is revenue-neutral.
24 And according to research by UPenn, BPRRA

1 could add up to \$90 billion to the state's
2 economy over the next decade and up to
3 51,000 sustained and largely union jobs.

4 And finally, we must include funding
5 in the budget to ensure that the Office of
6 Renewable Energy Siting can hire an Indian
7 Nations liaison in order to facilitate
8 consultation, provide a single point of
9 contact for nations, developers, regulators,
10 and others, and help guide conversations or
11 mediate should applications or permitting
12 plans become controversial. This will be
13 crucial to ensure our build-out of renewables
14 does not impact or destroy Native nations'
15 cultural resources, including marked and
16 unmarked graves and former village and
17 hunting sites, among others.

18 Thank you for your time.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Next?

21 MR. NOWAK: Thank you, Senator.

22 My name is Bill Nowak. I'm the
23 executive director of the New York Geothermal
24 Energy Organization, a nonprofit trade

1 organization. We have about 300 paid members
2 in 66 different companies.

3 I'd like to speak in favor of
4 including four bills that are currently
5 before the Legislature as part of the budget
6 process. And primarily I wanted to talk
7 about two related to geothermal energy: The
8 geothermal tax credit bill that would give a
9 25 percent tax credit up to \$5,000 for
10 geothermal installations, and that's
11 sponsored by Senator Kennedy and
12 Assemblymember Rivera, and the sales tax
13 exemption bill, by Senator Sanders and
14 Assemblymember Rivera.

15 Both geothermal and solar access
16 renewable energy and provide a host of
17 economic and environmental benefits, in line
18 with New York's priorities. And we're
19 looking to get parity with solar in terms of
20 the way it is incentivized in New York at
21 this point. There are four elements to the
22 solar incentives: A federal tax credit,
23 rebates, a state tax credit, and a sales tax
24 exemption. And all four together make solar

1 affordable. We did it on our house, and it
2 took all four of those to make it affordable
3 to us.

4 Only two of the four are available
5 currently for geothermal, the federal tax
6 credit and the rebates. So we really need a
7 sales tax credit and the sales tax exemption.

8 It was clear to all who watched the
9 Climate Action Council process that it will
10 be difficult to find the dollars necessary to
11 make transition to renewables affordable in
12 New York State. There's only so much that
13 ratepayers can pay through the systems
14 benefit charge and other means. And I submit
15 that a tax credit that utilizes the
16 progressive income tax is the fairest
17 available source of funds as we look to
18 increase incentives.

19 These two bills passed in 2015
20 unanimously, with bipartisan sponsorship and
21 support, and I salute all the legislators on
22 the call who were part of that effort. The
23 Governor at that point vetoed them, saying
24 they were outside the budget process and

1 NYSERDA hadn't yet completed its plans for
2 electrification of the building stock.
3 Neither of those apply at this point. We
4 want to do it within the budget, and NYSERDA
5 is clear on electrification as one of its
6 main strategies.

7 So we urge you to include these two
8 bills. I also urge the codes and standards
9 bill from Parker and Fahy, which would save
10 consumer dollars and allow the codes to
11 regulate greenhouse gas emissions. This is
12 very important.

13 I want to compliment the Governor for
14 her sunset on new construction that shows up
15 in her budget. It sends a clear message that
16 the end is near for fossil fuels, but it
17 doesn't go quite far enough. We would like
18 to see the Kavanagh/Gallagher bill that sets
19 the sunset date at 2024 included. It's just
20 plain wrong at this point to build a building
21 with fossil fuel heating systems that will
22 last another two or three decades spewing
23 climate pollutants.

24 Thank you very much.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Our next is Food & Water Watch.

3 MR. BEAUCHAMP: Thank you, Senator.

4 I'm Alex Beauchamp. I'm the Northeast
5 region director at Food & Water Watch. We
6 are a national environmental group focused on
7 fighting for those things we can't live
8 without: Safe food, clean water, and a
9 livable climate.

10 I submitted written testimony; I'm
11 going to try to just summarize it quickly.

12 Like others, we were really excited
13 that the Governor put a gas ban in her
14 Executive Budget, only to then be
15 extraordinarily disappointed that the
16 timeline is way, way, way too far out. We
17 can't wait five years to put a ban on gas and
18 other fossil fuels in new buildings. As Bill
19 just pointed out, it's unconscionable to
20 build any buildings reliant on fossil fuels
21 right now. And there's no technical reason.
22 This isn't really even a cost argument;
23 there's no cost reason to wait till 2027.

24 There is, perhaps, a political will

1 issue here. Either we have the political
2 will to stand up to the oil and gas industry
3 and the real estate industry, or we don't.
4 There is no policy reason to wait five years.
5 We shouldn't do it, and I urge the
6 Legislature to adopt the timeline on the
7 Kavanagh/Gallagher All-Electric Buildings
8 Act, which sets the ban starting the final
9 day of 2023.

10 And I'll just say, you know, there are
11 always voices -- there are always reactionary
12 voices telling us to go slower. I've been to
13 a million of these hearings. They're there
14 always. There's always those folks saying,
15 Let's not go too fast, it might cost a little
16 bit of money, don't do it.

17 And for those of us that really are
18 concerned with the climate crisis, I think we
19 ought to start asking ourselves, When is the
20 last time they were right? Like what is the
21 last action this body or any legislature has
22 done that was too fast, where we look back
23 and say, You know what, we were wrong, we
24 should have slowed down a little bit on that

1 provision that moved us off fossil fuels. It
2 has not happened. The reverse has happened
3 all the time, every year, year in, year out.

4 So just to say those reactionary
5 voices are wrong. They always have been
6 wrong. They'll be wrong in February of 2023
7 when we have this same hearing.

8 And finally I want to close -- you
9 know, we're at Food & Water Watch strong
10 supporters of the Build Public Renewables Act
11 also. Assemblyman Carroll's bill is needed.
12 We are not going to hit our renewable goals
13 if we leave this up to the magic of the
14 market. It's clear as day.

15 What's also clear as day after this
16 morning's exchange between multiple
17 legislators and the administration is we're
18 probably not on the verge of convincing them.
19 Right? So we are going to need leadership
20 from the Legislature to get this passed. I
21 urge you to put it in both one-house budgets.
22 It's very clear it's going to take real
23 leadership on this side. And, you know, I'm
24 hopeful that in a post-Cuomo world that will

1 be easier and we'll have a more independent
2 Legislature. You should push back and put
3 that in both one-house budgets.

4 And thanks so much for the time to
5 speak.

6 CHAIRWOMAN KRUEGER: Thank you.

7 And PULP? Are you here, Richard
8 Berkley?

9 MR. BERKLEY: And I will begin by
10 unmuting myself.

11 Thank you, Senator Krueger --

12 CHAIRWOMAN KRUEGER: Thank you.

13 MR. BERKLEY: -- and thank you,
14 Assemblymember Weinstein, and all of the
15 members that are here today.

16 I'm the executive director of the
17 Public Utility Law Project of New York. We
18 represent the interests of New York's low-
19 and fixed-income consumers. And I want to
20 talk to you about the most difficult crisis
21 facing low- and middle- and low- and
22 fixed-income consumers right now.

23 There are more than 1.3 million
24 households, almost 4 million New Yorkers, who

1 are behind more than 60 days on their energy
2 utility bills, for a total of more than
3 \$1.7 billion. There is no prospect that they
4 will be able to pay those bills without use
5 of some of the American Rescue Plan monies.
6 We have contacted the Governor and spoken to
7 her energy team and have asked the Governor
8 to put in her budget \$1.2 billion from the
9 ARP money to buy down the arrears, which have
10 increased by more than \$1.25 billion since
11 February of 2020.

12 As you have seen in the budget,
13 although we still have hope for the 30-day
14 amendments, the Governor has not responded.
15 We therefore respectfully request that the
16 Legislature put \$1.25 billion from ARP funds
17 into its one-house bills to deal with the
18 arrears of all of your constituents.

19 The second thing is that we have also
20 asked for \$200 million in tax credits. The
21 simple fact of the matter is that the state
22 only collects information on collections and
23 arrears from energy utilities. And that is
24 why we're asking for cash in the budget only

1 for those utilities.

2 However, we know that there are
3 hundreds of millions of dollars of arrears in
4 the water industry, and there are some
5 unknown amount of arrears in telecom,
6 telephone and internet. Therefore we ask for
7 tax credits upon those entities showing proof
8 of the arrears of their consumers and showing
9 that they have forgiven, dollar for dollar,
10 the debts of those consumers. We believe
11 that tax credits should be awarded to those
12 companies to incentivize them to do this.

13 There are a number of other things
14 that are necessary to deal with this arrears
15 crisis, but I tell you, the more than 100,000
16 families on Long Island, the more than
17 600,000 families in New York City, the more
18 than 600,000 or 700,000 families around the
19 rest of the state need your help, and they
20 need it now. We were almost \$700 million in
21 arrears before the pandemic because the
22 low-income program that you heard
23 Chair Christian discuss earlier was
24 insufficient and was not sufficiently

1 reformed to meet the needs of New Yorkers.

2 If we allow this arrears to be an
3 anchor around the neck of all these
4 New Yorkers, it will drown their communities
5 in debt for at least the next decade. It
6 took more than 10 years to recover from the
7 Great Recession, and the amount of utility
8 arrears, the job losses -- as we all know --
9 are far worse now than they were during the
10 Great Recession.

11 COVID also showed us the vital need
12 for broadband, and we'll be working on that
13 with you this year too.

14 And I thank you for the time to come
15 before you today and talk about the arrears
16 crisis, because it is a defining moment, and
17 I ask the Legislature to lead as effectively
18 as it did for tenants. Thank you.

19 CHAIRWOMAN KRUEGER: Thank you.

20 And Kim Fraczek, Sane Energy.

21 MS. FRACZEK: Thank you so much.

22 Thanks for the opportunity to provide
23 testimony today.

24 In the 10 years Sane Energy has been

1 pushing for New York to move to a renewable
2 economy -- and despite the 2014 decision to
3 ban fracking and many hard-fought battles by
4 local communities to halt fracked gas
5 infrastructure -- the construction of
6 fracked-gas infrastructure has far outpaced
7 the adoption of renewable solutions. The
8 development of solar energy has really
9 crawled along and has mostly benefited
10 corporate giants like Goldman Sachs rather
11 than local economies, thanks to Governor
12 Cuomo's market-based approach to building out
13 renewable infrastructure.

14 We've heard a lot today from NYSERDA
15 that the same magical market mechanism is
16 still being pursued, which won't allow for a
17 transition of justice if we prioritize
18 shareholders over New Yorkers, while many
19 legislators voice concern about their
20 constituents in NYSERDA's designated
21 disadvantaged communities.

22 If we mandate that NYPA retrofits all
23 public buildings, that would fill a hole that
24 the private sector won't prioritize. And

1 that would reflect in the societal benefits
2 such as healthy, safe and happy neighbors.

3 We are encouraged that Governor
4 Hochul's budget includes aspects of the
5 Renewable Heat Now legislative package,
6 including changes to our building codes,
7 public service law, ban on fossil fuels in
8 new construction, and incentives for
9 geothermal. But overall, her budget fails to
10 meet the dire climate moment we find
11 ourselves in. And it falls short of meeting
12 the goals of the CLCPA. And it does not
13 measure up to the emphasis she placed on
14 addressing the climate emergency in her State
15 of the State.

16 The science is clear: We must act
17 now, and with urgency, to avoid climate
18 catastrophe. This is why we're asking for
19 the State Legislature to include the Build
20 Public Renewables Act, the All-Electric
21 Buildings Act, and all other parts of the
22 Renewable Heat Now bill package in the
23 one-house budget.

24 Banning fossil fuels in new

1 construction beginning in 2024 and allowing
2 NYPA to build renewable energy at the scale
3 the climate crisis demands will create tens
4 of thousands of good-paying union jobs.

5 We have submitted more detailed
6 written comments. We really need the
7 Legislature to really step up here.

8 You know, Sane Energy was an
9 intervenor in the National Grid downstate
10 rate hike cases from 2019 to 2021, and
11 through this proceeding we assessed that the
12 corporate giant aims to expand and extend the
13 life of fracked gas and ignore state climate
14 and environmental justice law. And instead
15 of holding National Grid accountable to the
16 New York State law, the Department of
17 Public Service argued that the law didn't
18 apply to rate cases.

19 So local residents who got involved in
20 the proceeding were floored that the company
21 and the state agency could just blatantly
22 ignore public comment and the law, causing
23 them to feel angry and powerless.

24 So we just really need you to take

1 action with us, and we're here to work
2 together as a team.

3 Thank you so much.

4 CHAIRWOMAN KRUEGER: Thank you all.

5 And now we're going to take people --
6 the Senate, and then I'm going to call the
7 Assemblymembers after, because I think I'm
8 playing both roles at the moment.

9 So Todd Kaminsky.

10 SENATOR KAMINSKY: Thank you, Chair.

11 I have a very quick question for
12 Mr. Berkley. Good to see you, Mr. Berkley.

13 Can you just quickly tell us what LIPA
14 should be doing better? I mean that in every
15 aspect you wish to address it in. What
16 should we be doing to hold LIPA accountable,
17 and what should it be doing better?

18 MR. BERKLEY: Thank you, Senator. A
19 pleasure to see you, too.

20 Well, honestly, LIPA should be doing
21 everything better. But let me give you a
22 little more detail than that.

23 It needs to be more accessible to the
24 public. As you know, at every major storm

1 LIPA has been downgraded on its lack of
2 ability to communicate to the public. It
3 needs to work harder to do that.

4 Number two, LIPA is apparently unable
5 to run its computer system properly. And as
6 you know, it had to be back out of its
7 upgraded outage management system during the
8 storm because it didn't work and they had not
9 tested it, and they apparently -- there's no
10 way to determine whether or not they run the
11 appropriate scenarios for those problems.

12 It needs to also work better on
13 lowering the cost of energy on Long Island.
14 That's difficult. It needs to be involved
15 more in promoting renewable energy on
16 Long Island and following what I like to say
17 is PULP's mantra, which is "more green for
18 less green."

19 I think LIPA has come a long way, but
20 I think it needs more community control than
21 it has right now. And it needs to get rid of
22 PSEG at some point in the future. I know
23 that they say that they're doing better, but
24 I don't believe that we've seen a private

1 wanted to know if you could answer, are you
2 worried about the potential of the state
3 weakening New York City's gas ban if we pass
4 something at the state level that moves
5 slower than what the Council has already
6 passed?

7 For Richard Berkley at PULP, you know,
8 New York State received much higher than
9 expected tax revenue and a significant amount
10 of federal pandemic aid, yet amidst this
11 economic outlook there are cuts to our
12 climate projects and policies as proposed by
13 the Governor this year in her budget,
14 including for your organization. How will
15 the proposed \$1 million cut to the
16 Public Utility Law Project of New York affect
17 your work? What will the impact be?

18 And then for Kim from Sane Energy
19 Project, how has your work with local
20 communities and New York City shown why we
21 need immediate inclusion of the Build Public
22 Renewables Act and the All-Electric Building
23 Act in the budget?

24 MR. BEAUCHAMP: Sure, so on the gas

1 ban question, I am worried about it is the
2 short answer.

3 I mean, look, the state can and should
4 go faster than what the city did. Right? So
5 if we pass the Gallagher/Kavanagh bill,
6 that's the end of 2023, that is more
7 aggressive than New York City. That is what
8 the state should do.

9 That said, if we fail in that somehow,
10 you know, there is a long -- and particularly
11 on environmental issues -- a long, sordid
12 history of this state preempting local laws
13 or weakening local laws, everything from
14 plastic bags to -- you could go through one
15 example after another. That must not happen
16 here. So if it is slower, we ought to
17 include language in whatever final
18 negotiation that allows cities and
19 municipalities that want to move faster to do
20 so.

21 All of that said, if we get the
22 timeline right, none of that matters.

23 ASSEMBLYMAN MAMDANI: Thank you.

24 MR. BERKLEY: Thank you for the

1 question, Assemblymember Mamdani.

2 So the Governors never put funding in
3 for PULP. And occasionally when the
4 Legislature puts it in, as I thank the
5 Legislature for 40 years of supporting our
6 organization that works on behalf of your
7 constituents, occasionally Governors take our
8 money out of the budget after the Legislature
9 has put it in if they disagree with us.

10 But quite frankly, if we were to
11 receive no funding from the state for the
12 next fiscal year, the 1.3 million households
13 who are in danger and teed up for shutoffs
14 beginning in late May or early June will have
15 no organization with legal service attorneys
16 that is able to assist them on the basis of
17 expertise like we have.

18 We train all over the state. But when
19 I say that in a good year we train a couple
20 of hundred attorneys, we are irreplaceable to
21 assist your constituents, as much as we want
22 to train every attorney in the state and
23 every not-for-profit group to help out low-
24 and fixed-income New Yorkers.

1 Thank you, Assemblyman.

2 ASSEMBLYMAN MAMDANI: Thank you,
3 Richard.

4 MS. FRACZEK: And can I answer? I
5 know that the time ran out.

6 But just to respond to the question
7 about the Build Public Renewables Act, I
8 mean, we noted -- you know, we logged, we got
9 several dozen people involved in the
10 National Grid downstate rate case here at the
11 Public Service Commission, and it was
12 astounding to local residents who had never
13 even heard of this process before to see
14 basically like how the sausage is made. And
15 they were shocked that big, shareholder-based
16 corporations were making decisions for their
17 future and their health and safety and our
18 climate, ignoring public comment. And people
19 are all of a sudden like, What happens if we
20 just own our power?

21 And I -- the New York Build Public
22 Renewables Act I think is a slow and steady
23 way to start moving us toward a different
24 economic model. Because it's clear that this

1 economic model is not serving the --

2 CHAIRWOMAN WEINSTEIN: Thank you. The
3 time has expired.

4 MS. FRACZEK: Okay.

5 CHAIRWOMAN WEINSTEIN: Senator
6 Krueger, do you have any more Senators?

7 CHAIRWOMAN KRUEGER: No, actually. So
8 I'm just going to let you roll with the
9 Assemblymembers.

10 CHAIRWOMAN WEINSTEIN: Okay. We have
11 quite a few, but everybody is going to be
12 very good and stick to the three-minute time
13 limit.

14 So next we have Assemblyman Palmesano.

15 ASSEMBLYMAN PALMESANO: Yes, my first
16 question for Mr. Nowak, with the geothermal
17 energy, I wanted to ask a question about
18 air-source heat pumps.

19 I know a number of people, they might
20 install an air-source heat pump because of
21 cost or they might not have the space for an
22 outdoor collector system. With that, along
23 comes with that is that sometimes they
24 would -- you know, because they're not as

1 efficient in colder temperatures, which we've
2 been talking about, as I understand it. So,
3 you know, temperature lower than 4 degrees,
4 it's my understanding some air-source heat
5 pumps have an automatic backup switch, so
6 that would be like for a conventional power
7 supply, like natural gas or something like
8 that.

9 How do you reconcile that with the
10 CLCPA when you're talking about air-source
11 heat pumps?

12 MR. NOWAK: Sure. And to be clear,
13 I'm with the geothermal heat pump
14 organization.

15 But with air source, some people leave
16 a gas or a wood-burning system as
17 supplemental, and that's not ideal. You also
18 could have an electric resistance heater
19 that's included within the air-source system,
20 and that, you know, could get you through the
21 cold spell.

22 We advocate for geothermal because the
23 systems are going to get very inefficient
24 when they go to that, when they go to

1 electric resistance, so it really reduces the
2 return you get on the amount of electricity
3 you put in.

4 So, you know, to us it's important
5 that there be a really good percentage of
6 geothermal heat pumps installed as part of
7 moving forward. We need both --

8 ASSEMBLYMAN PALMESANO: What would be
9 the cost of a geothermal heat pump? What's
10 the cost of a geothermal heat pump?

11 MR. NOWAK: It varies. I would say
12 for a typical house, similar to the solar
13 system we installed here, which was \$27,000
14 and wound up -- with the various incentives,
15 it wound up saving us money from day one.

16 A geothermal system on a typical house
17 might be --

18 ASSEMBLYMAN PALMESANO: How many
19 families do you think could afford \$27,000 or
20 even \$20,000 or \$15,000?

21 MR. NOWAK: Sir, I'm not sure you
22 heard me. With the incentives, we were
23 saving from day one. There were incentives
24 that covered much of the cost, and the rest

1 of it went to on-bill financing. We pay
2 less.

3 So any family, if the situation was
4 similar to ours, it would work fine for that.

5 ASSEMBLYMAN PALMESANO: Okay. But you
6 saw that up-front cost. Okay, thank you for
7 your time.

8 My next question is for Kim. I know
9 you're for full electrification, you're
10 advocating for that. With the costs that
11 have been estimated, even the CAC estimated
12 \$20,000 to \$50,000 in their report. The
13 Consumer Energy Alliance has estimated
14 \$35,000, you know, which we talked about --
15 heat pumps, all the insulation, the whole
16 upgrade of the system.

17 How can a family afford that when
18 you're talking about \$35,000 per family,
19 how -- it doesn't seem like anyone's
20 addressing that with the CAC. What do you
21 recommend to address those issues? Because
22 that's just -- that's a lot of money.

23 MS. FRACZEK: Yeah. I mean, there's
24 legislation on the table right now that NYGEO

1 is working towards for making the geothermal
2 incentivized. Right now our economy is so
3 tilted to incentivize fossil fuels from being
4 cheap and easy. But in fact like -- I grew
5 up in fracking country in Pennsylvania, so I
6 know that this stuff is very expensive to
7 operate, but the economy is slanted in --

8 CHAIRWOMAN WEINSTEIN: Thanks. Thank
9 you. I just want to -- I just really want to
10 remind colleagues that you can't ask a
11 question as the clock runs down to zero and
12 expect an answer.

13 But if questions go unanswered, please
14 send the answers to the Assembly chair of WAM
15 email and the Senate Finance email, and we
16 will distribute that to all members.

17 Our next member to ask questions,
18 Assemblywoman Kelles.

19 ASSEMBLYWOMAN KELLES: Hey, everyone.
20 Thank you so much for being here.

21 I have questions for three people, so
22 I'm just going to put it out there and if you
23 could all answer in the allotted period.

24 My first is for Bill Nowak. My

1 understanding is that the solar -- the
2 incentives immediately cover up-front costs,
3 so opposite of what my previous colleague
4 said. Can you clarify that?

5 Second is what is in the budget for
6 removal of the hundred-foot and allowing for
7 geothermal sufficient? So that's for Bill.

8 For Richard, just a quick question.
9 With the removal of the --

10 CHAIRWOMAN WEINSTEIN: Can the clock
11 start working? Excuse me, Assemblymember,
12 somebody is on your -- the timekeeper is on
13 your side. Can we start the timeclock?
14 Thank you.

15 ASSEMBLYWOMAN KELLES: For Richard, I
16 would love to know if given the moratorium
17 ended on the shutoffs for utilities, what you
18 expect the impact would be and whether or not
19 the programs we already have in place are
20 sufficient or where we will expect to see
21 some major negative consequences.

22 And third, for Alex Beauchamp, if you
23 could just talk briefly about what the costs
24 of not going fast enough would be. I loved

1 your comments. But not doing it in 2024,
2 what would be the infrastructure that would
3 be built, the impact on people, EJ
4 communities? If you could just talk about
5 the impact of not doing it, that would be
6 great.

7 So start with Bill.

8 MR. NOWAK: Okay. So in response,
9 yeah, I'm glad you wanted to clarify that,
10 because what we're paying on our solar system
11 right now is less from day one, including the
12 up-front costs. And the same thing could be
13 true with the geothermal system that had the
14 right incentives in place that I outlined and
15 that took into account the storage benefit
16 that geothermal systems provide.

17 Regarding the hundred-foot rule, we
18 were really glad to see in the Governor's
19 budget that they're looking to do away with
20 that. I think it's going to be a process
21 that is going to involve some negotiation. I
22 know the Legislature will be coming out with
23 something shortly similar to that, and I
24 think some good negotiations between those

1 two bills will provide what we need.

2 But it's just not fair at this point
3 that gas systems are being subsidized for
4 those up-front costs but homeowners have to
5 pay the costs of the piping for a geothermal
6 system.

7 ASSEMBLYWOMAN KELLES: Thank you so
8 much.

9 Richard?

10 MR. BERKLEY: Thank you for question,
11 Assemblymember.

12 So the short answer is that our
13 state's programs are insufficient to deal
14 with the problem of arrears. For example,
15 only 34 households out of more than 77,000
16 that have applied for utility arrears money
17 in the ERAP program have received anything.
18 It's only a couple of thousand bucks. As you
19 know, OTDA has had a lot of problems with
20 that.

21 The water arrears money that came from
22 the feds also may -- is only \$60 million.
23 New York City alone has a \$600 million
24 residential water arrears.

1 I can keep going, but -- we are
2 working with the PSC to try and create new
3 programs, but we need the assistance of the
4 Legislature. We should not have a situation
5 where existing consumer protection law, which
6 will allow you to get a deferred payment
7 agreement that can last a hundred years -- we
8 shouldn't be in a position where we're
9 creating generational debt for your
10 constituents. We need to deal with it now in
11 the budget.

12 Thank you.

13 ASSEMBLYWOMAN KELLES: Thank you.

14 Thank you so much.

15 And Alex Beauchamp?

16 MR. BEAUCHAMP: Yeah. I mean, I could
17 go on forever, but since there's a time
18 limit, it's worth noting the Climate Action
19 Council looked at that cost question and saw
20 that -- or calculated that the cost of not
21 acting is \$80 billion more than aggressive
22 action to move off fossil fuels. That's
23 before you even look at the vast benefits you
24 get from acting swiftly and urgently on

1 climate.

2 And of course that's dollars, right?

3 The human cost is almost incalculable --
4 incalculable. And maybe with that horrible
5 pronunciation the time ran out.

6 (Laughter.)

7 ASSEMBLYWOMAN KELLES: Thank you so
8 much.

9 CHAIRWOMAN WEINSTEIN: Thank you.

10 We go to Assemblyman Carroll.

11 ASSEMBLYMAN CARROLL: Thank you,
12 Chair Weinstein.

13 And thank you so much to all the
14 advocates here today for your tireless
15 support of not just public power and
16 ratepayers, but for our environment. And
17 none of what we've been able to accomplish
18 these last number of years would have
19 happened without all of you, so thank you.

20 My question is, you know, we just
21 heard from NYSERDA and the PSC that the
22 private sector is on the precipice of solving
23 the needs of renewable energy, that we have
24 so much in the pipeline that we are going to

1 meet our goals and possibly exceed them.

2 Now, I feel like that seems a little
3 bit unlikely. But what are you all seeing
4 out there? Are we actually on that precipice
5 of building the amount of renewable energy we
6 need to meet the goals of the CLCPA? Or have
7 we just had a few large ribbon-cuttings of
8 some wind farms on Long Island? And we have
9 interconnectivity issues upstate, we've got a
10 lack of siting of, you know, solar and wind
11 projects to create the kind of diversity and
12 connectivity and distribution needed. We
13 have a lack of -- battery shortage, and that
14 is why the bill that I carry, the Build
15 Public Renewables, is so important, so that
16 we actually use the heft of the state
17 government to make sure that we meet these
18 goals.

19 So, I mean, is there anything that
20 NYSERDA and the PSC were saying earlier is
21 true? Or are these just large
22 ribbon-cuttings that look good in press
23 releases?

24 MR. BERKLEY: A quick answer,

1 Assemblyman, for the low-income and
2 fixed-income community: No private developer
3 is interested in building renewables for
4 those groups, plain and simple, period.

5 ASSEMBLYMAN CARROLL: Thank you, Rich.

6 MR. MADDEN: Yeah, I think there's
7 also some really important notions around
8 community benefits and, you know, prevailing
9 wage and union standards and stuff. Like no
10 private developer is going to do something on
11 their own accord. Like they always have to
12 be dragged across to ensure good community
13 benefits, provide ownership stake in
14 anything.

15 So just the idea -- I mean, this is a
16 fundamental like ideological divide in kind
17 of -- in like the status quo. Like the same
18 people who have gotten us into this mess are
19 going to now reap the benefits of this
20 transition. I mean, BP is one of the
21 stakeholders in an offshore wind farm. It's
22 ludicrous. Like we need a different economic
23 paradigm, and expanding NYPA is one of the
24 ways to do that.

1 ASSEMBLYMAN CARROLL: So in essence,
2 Ryan, Rich, you're basically saying, look, at
3 best, you know, we're going to have an
4 environmental justice catastrophe. Maybe
5 we'll find some renewable power for wealthy
6 folks downstate, but for poor folks
7 throughout the state, you know, it's business
8 as usual -- unless we do something
9 transformational like build public
10 renewables.

11 MR. MADDEN: I would agree with that.

12 MR. BERKLEY: I would too.

13 ASSEMBLYMAN CARROLL: Thank you so
14 much.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 We move on to Assemblyman Manktelow.

17 ASSEMBLYMAN MANKTELOW: Thank you,
18 Madam Chair.

19 I have a question for Alex, please.

20 Can you hear me, Alex?

21 MR. BEAUCHAMP: Yeah, I can, go ahead.

22 ASSEMBLYMAN MANKTELOW: As you were
23 saying in your testimony -- I read it -- it
24 says "This legislation will require new

1 buildings to install heat pumps that run on
2 electricity, in place of gas boilers and
3 furnaces, to heat, cool and provide hot water
4 by the end of 2023."

5 My question I guess is off in our
6 rural areas, where we don't have the
7 infrastructure, we don't have the electricity
8 to do that -- and one of the things that
9 we're pushing in our rural areas is helping
10 individuals with mental illnesses through
11 transitional homes, helping them get
12 restarted, we're working on homes for our
13 homeless.

14 So in this situation, what do we do?
15 Do we not build those facilities for those
16 individuals because we don't have enough
17 electricity, or do we move forward with what
18 we have and get them started and get them
19 into homes and then down the road change it
20 back the other way?

21 MR. BEAUCHAMP: Yeah, I mean, I
22 obviously can't speak to the individual
23 projects.

24 I guess what I would say is that, you

1 know, we've been pretty proud of the
2 coalition fighting for this bill, and proud
3 especially that a lot of groups fighting
4 really hard for development of low-income
5 housing, affordable housing, have been a big
6 part of the campaign and don't see a gas ban
7 as a barrier to the construction of
8 affordable housing at all.

9 I mean, the reality is that the cost
10 picture is just not near what it was five or
11 10 years ago. We can do this now. The
12 question is whether we're going to commit to
13 do it or not. But there's nothing all that
14 special about any given building, right? We
15 have the ability to do this; we should just
16 do it.

17 ASSEMBLYMAN MANKTELOW: We're looking
18 at new construction, I know there's a project
19 going on right now. But -- and I know that
20 it's going to have gas in it. But if this
21 was in place right now, that project wouldn't
22 move forward and those individuals would not
23 be in that house within a few months.

24 So in that situation, you know,

1 what -- what do you do? Do you --

2 MR. BEAUCHAMP: Oh, I see. Yeah.

3 Well, not really, right? So we're talking
4 about the permit level. So if --

5 ASSEMBLYMAN MANKTELOW: Oh, so this is
6 only for permanent individuals?

7 MR. BEAUCHAMP: Yeah, yeah -- well,
8 no, no, no, we're talking at the permit
9 level. Right? So it's the moment that a
10 building goes in and tries to get the permit
11 to build.

12 So if you have that and we're like
13 breaking ground tomorrow -- or January 1,
14 2024, in this instance -- it doesn't affect
15 that. Right? You were talking about -- so
16 that's the thing. There's already a long
17 timeline, right? And no need to wait until
18 2027 to have newly permitted buildings make
19 this transition. We ought to go much faster.

20 The example you're talking about I
21 believe would not be covered under the
22 legislation we're talking about in the first
23 place.

24 ASSEMBLYMAN MANKTELOW: Okay. All

1 right. Well, that's good to know. I
2 appreciate your input.

3 And Madam Chair, thank you for the
4 question.

5 CHAIRWOMAN WEINSTEIN: Can we go to
6 Assemblyman Burdick.

7 ASSEMBLYMAN BURDICK: Thank you.
8 Thank you, Chairs, and thank you, panelists.

9 I completely agree with Assemblymember
10 Carroll's observation that without your
11 advocacy, we would not be where we are having
12 made the strides that we have made -- but
13 also need to do much more.

14 A question for Mr. Nowak. I too am
15 concerned about up-front costs for geothermal
16 and, for that matter, any energy efficiency
17 measures. Are there financing arrangements
18 under which the savings on utility bills
19 would more than cover the installment
20 payments for the geothermal upgrades? I know
21 that NYSERDA in the past has provided
22 financing and incentives like that.

23 And a question for Ms. Fraczek, and
24 apologies if I mispronounced your name. I

1 share Assemblymember Carroll's view that
2 we're not doing enough. That's one of the
3 reasons that I'm cosponsor of his two bills.
4 But during our discussion with NYSERDA,
5 President Harris emphasized both the private
6 and public investment to be able to reach
7 those goals. A similar question, do you
8 advocate investment in all-electric
9 affordable housing? Do you see savings in
10 utility bills helping to finance any part of
11 that?

12 So those are my two questions.

13 MR. NOWAK: I'm sorry, I believe the
14 first question was for me. Were both of them
15 for me?

16 ASSEMBLYMAN BURDICK: No. The first
17 one is for you, dealing with financing
18 arrangements. Are they available for
19 geothermal? Can the savings on the utilities
20 help to cover installment costs on the
21 financing?

22 MR. NOWAK: Well, yes, there
23 definitely is some financing available
24 through NYSERDA at this point relative to

1 on-bill financing and so forth. And
2 certainly the savings, you know, should be
3 part of that.

4 One of the things that folks really
5 don't realize, you know, we're spending a lot
6 of money in this state on storage, storage
7 for electricity. Geothermal provides storage
8 for heating, which means we're going to need
9 to produce less electricity on the coldest
10 days of the year -- and the hottest days of
11 the year, for that matter, to cool. So there
12 really --

13 ASSEMBLYMAN BURDICK: I'm sorry, if I
14 could now switch over to Ms. Fraczek so that
15 she can answer that.

16 MS. FRACZEK: Your voice kind of went
17 out. I wasn't -- I couldn't quite hear like
18 half of --

19 ASSEMBLYMAN BURDICK: The question was
20 whether savings on investment in all-electric
21 can help to finance the capital costs.
22 similar question.

23 MS. FRACZEK: Well, I think -- yeah.
24 I mean, I think that it can't just be like

1 switch over to electric and Voilá, we have
2 something. We have to actually like change
3 like all of our codes -- how everything is
4 incentivized. And there's actual legislation
5 out there that we all need you to like really
6 push in the Renewable Heat Now bill package.

7 So, you know, I mean it's not -- it's
8 not just like we just want one thing and we
9 expect that it's going to solve every
10 problem. But we need those support bills in
11 order to make electricity affordable and
12 serve all New Yorkers so they can be happy,
13 healthy and clean.

14 ASSEMBLYMAN BURDICK: Thank you.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 Let's see. Assemblywoman Woerner.

17 ASSEMBLYWOMAN WOERNER: Thank you.

18 Thank you so much.

19 Mr. Nowak, my questions are for you,
20 because I'm a huge fan of geothermal. And so
21 my question for you is -- and you may have
22 answered the first part of this earlier, and
23 if so, I apologize for having missed it.
24 What is the -- what is the average cost of a

1 retrofit for, say, a 1500-square-foot house?

2 MR. NOWAK: Yeah, I think it is
3 similar to what we had for the solar
4 installation here, which was around \$30,000
5 raw cost. And then when you get into the
6 incentives, that took it down, you know, in
7 the neighborhood of \$10,000, which was paid
8 off on a 15-year loan.

9 So I think those similar kind of costs
10 can apply for geothermal. I've heard
11 anywhere from 25 to --

12 ASSEMBLYWOMAN WOERNER: Okay, so
13 around 30. And the budget includes
14 25 percent credit, is that the incentive?

15 MR. NOWAK: It does not. The
16 Governor's budget did not include that. This
17 is a bill that Senator Kennedy and
18 Assemblymember Rivera have put forward. It
19 is one that the Legislature has passed in the
20 past, and we're hoping that you will include
21 it in the one-house budgets and negotiate for
22 it to be in the final budget.

23 ASSEMBLYWOMAN WOERNER: Okay, so a
24 25 percent credit would only take this down

1 by \$7500, so that brings us to 23 -- 22.5, if
2 my math is correct.

3 MR. NOWAK: Yup.

4 ASSEMBLYWOMAN WOERNER: Is that a --
5 how many installations do we have across the
6 state of geothermal today? And would a --
7 would a market price of 22.5 be sufficient to
8 accelerate the adoption of this technology?

9 You know, it's been a long time since
10 I bought a furnace, so I don't know what the
11 market rate is, but I think key to success
12 here -- and some of my colleagues have
13 pointed this out -- the key to success here
14 is going to be getting to a price point that
15 doesn't offer an advantage to stay on your
16 fossil-based fuel system.

17 MR. NOWAK: Exactly. And that's part
18 of why we're putting this forward.

19 But in addition to the state tax
20 credit, as I mentioned, there is a federal
21 tax credit, and there are state rebates.
22 What we're asking for is a state tax credit
23 and a sales tax exemption that are going to
24 bring that cost down, in addition to those

1 measures. Which is what we already have for
2 solar and which would work great in the
3 geothermal sphere.

4 ASSEMBLYWOMAN WOERNER: And are there,
5 in your experience -- so I am curious how
6 many statewide do we have already. But in
7 your experience, are there any
8 restrictions -- or constraints, I should
9 say -- in terms of types of neighborhoods,
10 types of communities, types of buildings
11 where geothermal is not -- is not an option?

12 MR. NOWAK: I don't think you can say
13 that in terms of a whole neighborhood. In
14 urban areas, there are permitting questions
15 and into the amount of space you would have
16 to drill -- but at this point we've got it
17 down to where a six-inch bore hole is all you
18 need to provide for a geothermal system.

19 CHAIRWOMAN WEINSTEIN: Thank you.

20 ASSEMBLYWOMAN WOERNER: Thank you so
21 much.

22 MR. NOWAK: Generally I would say no,
23 there are parts of -- I'm sorry, go ahead.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 We'll move on to Assemblyman Epstein.

2 ASSEMBLYMAN EPSTEIN: Thank you,
3 Chair. And thank you all for sticking it out
4 for this long day.

5 Just to Richard Berkley, just on the
6 consequences of, you know, these utility
7 shutoffs. You know, you said 77,000 people
8 applied, 32,000 got some support. What are
9 we looking at, and what's the risk to
10 New Yorkers at this point? And I know we
11 don't have a lot of time, so if you could be
12 quick, I appreciate it.

13 MR. BERKLEY: Thank you,
14 Assemblymember.

15 And that's 32 households, not 32,000.

16 ASSEMBLYMAN EPSTEIN: Oh, wow, thank
17 you.

18 MR. BERKLEY: It's a teensy-weensy
19 bit.

20 As you know, OTDA screwed this up
21 horribly. And I know the Legislature is
22 concerned. So the consequences are that you
23 will have households that either need to
24 declare bankruptcy to get out from under the

1 utility bills, in which case the utilities
2 will socialize that cost to all the other
3 ratepayers.

4 So small businesses, that I know every
5 member is concerned about, will get a huge
6 increase in their rates, and so will
7 residential customers. And in New York City,
8 where Con Edison is looking for rate increase
9 now that is three times the size of their
10 last increase, we think that that is going to
11 be death to businesses.

12 ASSEMBLYMAN EPSTEIN: Thank you. I
13 appreciate that.

14 And maybe just to some of the other
15 panelists, I really want to see what you felt
16 about what PSC, Public Service Commission
17 did. NYSERDA is saying about electrifying
18 the grid and getting charging infrastructure
19 in place -- I guess my concerns are I don't
20 think they're doing enough. I mean, for
21 someone who tries to -- who lives near a city
22 who tries to figure out where I can plug in
23 my car, it's not easy. It's impossible. And
24 all the apps don't help. You know, it's

1 not -- and I'm wondering if you feel like
2 they're going down the right path or do we
3 need to do a course correct at this point.

4 MR. BERKLEY: If I can answer briefly,
5 I think that you were right earlier when you
6 said that people need to be able to find out
7 how much it will cost at each of the electric
8 charging stations.

9 I'm aware that some of your colleagues
10 in the Legislature are thinking about
11 legislation in that area to create something
12 like a Schumer box for the costs at all the
13 charging stations, and so I think that's
14 something of value.

15 I don't believe that we're moving
16 quickly enough on electric charging stations.
17 But quite honestly, right now the state is
18 not paying for those, the ratepayers are
19 paying for them. And I think that the state
20 needs to work with the transportation
21 industry to get them to pay for things for
22 their own business plans. Energy ratepayers
23 pay for too much, and they're not an endless
24 piggy bank.

1 But the things that we need -- and as
2 I always say, build more green for less
3 green. The things that we need to achieve,
4 our decarbonization goal, ratepayers will pay
5 for. But they shouldn't be subsidizing
6 third-party industries.

7 ASSEMBLYMAN EPSTEIN: Great. And I
8 just have 20 seconds, if anyone else wants to
9 respond to that. Otherwise I'll just give
10 back my time.

11 CHAIRWOMAN WEINSTEIN: Wow, 11. Okay.
12 We move on to our next member,
13 Assemblyman Otis.

14 ASSEMBLYMAN OTIS: Thank you all for
15 your good advocacy and your good work. And
16 we all have a big challenge in front of us, a
17 lot of moving parts.

18 Earlier this morning there were a
19 number of comments from a few of us posing
20 questions about proof-of-work cryptocurrency
21 mining, which many of us see as a major
22 threat to all the other kinds of initiatives
23 we're trying to deliver on in terms of
24 climate change.

1 In the limited time we have here, if
2 as many of you want to just weigh in and
3 speak to your view of the magnitude of this
4 particular energy-using activity.

5 MR. BEAUCHAMP: Yeah, I mean the
6 magnitude of the problem is enormous, as you
7 allude to, and it's multifaceted in the sense
8 that we need action from both the Legislature
9 and the Governor.

10 So, you know, starting with the
11 Greenidge Plant, there's action this
12 administration can take to shut down some
13 polluting facilities that are solely used to
14 power proof-of-work cryptocurrency mining.
15 She should do that, the administration should
16 shut that down.

17 But that's not enough, right, because
18 we know there are power plants sitting
19 dormant all over the state that the industry
20 can target, and that's the rationale to pass
21 a moratorium bill.

22 At Food & Water Watch we're strongly
23 supportive of that bill, Anna Kelles's
24 moratorium on proof-of-work cryptocurrency

1 mining, which we need desperately just from
2 an emissions perspective. But also it's just
3 good common sense. It's frankly how we ended
4 up stopping fracking in New York, right? We
5 took a pause, there was a moratorium, there
6 was an extraordinarily lengthy generic
7 Environmental Impact Statement.

8 This is like that, right? This is a
9 brand-new technology the state hadn't had
10 before. We should take a similar approach --
11 and instead, we've just allowed them to move
12 ahead so far. We need a moratorium, and we
13 need the administration to stop the stuff
14 that's already happening. But I'll pause
15 here because I know others will have
16 thoughts.

17 ASSEMBLYMAN OTIS: A minute-six left.
18 Go.

19 MS. FRACZEK: Yeah, Sane Energy
20 Project is also in support of this
21 legislation from Assemblymember Kelles.

22 And, you know, we're -- it's almost
23 like we've been playing whack-a-mole for so
24 long with fossil fuel projects. And we have

1 said no to fracking in New York, so why is my
2 family getting fracked in Pennsylvania in
3 order for the fracking industry to keep
4 finding loopholes in New York State to keep
5 up these shenanigans? Like, we should be
6 saying no to fossil fuels. I mean, the
7 planet is actually dying. And, you know,
8 this -- it's like we can't be sitting around
9 and thinking about how we can like build new
10 markets around fossil fuels anymore.

11 MR. MADDEN: I would just add
12 Long Island Progressive Coalition also
13 supports the moratorium.

14 And, you know, we're talking about,
15 like, transition for some of these places.
16 They should -- you know, the first thing for
17 peaker plants is looking at battery storage
18 or renewable energy development, the idea
19 that we're going to use precious electrons to
20 like mine what is probably going to be the
21 next huge bubble that causes an economic
22 demise. Like it just feels like a silly
23 gamble.

24 CHAIRWOMAN WEINSTEIN: Thank you.

1 I'm going to turn it back to the
2 Senate, since this is the end of Part 1 of
3 our hearing. And Senator Krueger will be
4 leading us through the longer Part 2 of our
5 hearing.

6 CHAIRWOMAN KRUEGER: I just wanted to
7 thank our panelists for being with us today.

8 I'm sorry, Assemblywoman, you have
9 another Assemblymember trying to speak.
10 Keith Brown, I believe.

11 Were you trying to speak?

12 ASSEMBLYMAN BROWN: Yeah.

13 CHAIRWOMAN WEINSTEIN: Oh, I'm sorry.

14 ASSEMBLYMAN BROWN: I'm sorry, Chair,
15 I wanted to get some questions in there.

16 CHAIRWOMAN WEINSTEIN: Yes, I guess I
17 saw your hand was up and then down. So go
18 ahead.

19 ASSEMBLYMAN BROWN: Thank you.

20 The question is for any of the
21 panelists. Going back to my question I asked
22 earlier with regard to LIPA and
23 municipalization of it, how do we deal with
24 the LIPA debt from the Shoreham Power Plant,

1 in your opinion?

2 MS. FRACZEK: Ryan, do you want to
3 take that?

4 MR. MADDEN: Sure. I apologize,
5 because I don't -- there's no easy answer,
6 right?

7 I think that's part of what is really
8 great about -- and I believe you're already a
9 cosponsor of, Assemblyman -- the LIPA
10 commission bill. There needs to be a kind of
11 dedicated restructuring of LIPA and a
12 commitment to, one, ending the public-private
13 partnership, committing to a true public
14 power model, and then looking at other, you
15 know, reforms around the democratic
16 management and governance of it, stakeholder
17 engagement, et cetera.

18 And I think one of the things about
19 indebtedness is part of the purview of that
20 commission. Like I think -- to my mind,
21 there hasn't been a concerted, thoughtful,
22 like grappling with that in a real way in a
23 long time. And like I don't have anything
24 else other than to suggest that this process

1 could be a good means to discuss that
2 because, yes, it's complicated and has like
3 eluded a clean answer for decades.

4 And so I welcome more thoughts about
5 that in the interim, but I think that only
6 stresses the urgency of this commission bill
7 and the process it will unfold with
8 stakeholder engagement to grapple with such
9 tough questions.

10 ASSEMBLYMAN BROWN: I agree. And I
11 opened it up because I -- you know, I've
12 spoken to Assemblyman Thiele about it,
13 because it is my primary concern.

14 So Mr. Berkley, any thoughts?

15 MR. BERKLEY: Yes, thank you,
16 Assemblymember.

17 LIPA is in the best place of any of
18 the energy utilities to be municipalized,
19 because it owns its own plant. And that's
20 the largest cost of going municipal.

21 The intractable problem that the
22 island and that LIPA face is that debt. And
23 the only thing that you can do for now is to
24 continue to work to refinance that debt as

1 cheaply as possible.

2 And then the other thing is to not
3 allow the authority to continue refinancing
4 that debt in perpetuity. Robert Moses taught
5 us that a public authority can be eternal if
6 you only allow it to refinance as much as it
7 wants. That's not the right way forward for
8 Long Island unless there are significant
9 changes with the structure of LIPA.

10 ASSEMBLYMAN BROWN: Thank you.

11 Real quick, is there any alternative
12 energy technology that New York is not
13 looking at that they should be looking at?
14 This is for any of the panelists.

15 MR. BERKLEY: I'll jump in on that
16 one. There are two things that New York is
17 not -- well, three things that New York is
18 not doing that it should consider.

19 First is tidal power, like they do in
20 North Scotland. Second is run-of-river
21 hydro. There's a lot of -- almost
22 2 gigawatts of untapped hydro that could be
23 tapped by run-of-river. Those are -- well,
24 those are the two big ones, really.

1 I think pumped storage is something
2 that's a dirty word in the environmental
3 community, but that's one of those things
4 that unless batteries work better, we might
5 end up going back to that and looking for a
6 place we can do that without environmental
7 damage to the state.

8 CHAIRWOMAN KRUEGER: Okay, I am going
9 to thank --

10 ASSEMBLYMAN BROWN: Anyone else?

11 CHAIRWOMAN WEINSTEIN: No, that's it
12 for this panel.

13 CHAIRWOMAN KRUEGER: Time's up.

14 ASSEMBLYMAN BROWN: Oh, I can't see my
15 clock. Thank you, Chairs, appreciate it.

16 CHAIRWOMAN KRUEGER: All right, now
17 I'm going to thank the panelists for
18 participating with us today. And I am going
19 to close down Part 1 of our two-part hearing.

20 So those of you who are thinking, gee,
21 this is running a long time, we're just
22 beginning, because we're going to call up our
23 Department of Environmental Conservation,
24 Basil Seggos, commissioner, and we're going

1 to give him 10 minutes to testify.

2 And then people can get back in line
3 with their hands up again. We will take
4 chairs and rankers on Environmental
5 Conservation first, and then, again, chairs
6 go to 10 minutes, rankers, five minutes,
7 everyone else, three minutes. We're back in
8 our traditional model for a budget hearing.

9 And then after Commissioner Seggos we
10 then will have Parks Commissioner Erik
11 Kulleseid, we will then have Agriculture
12 Commissioner Richard Ball, just for lining
13 people up. But we will do questions in
14 between each of them.

15 And we're only an hour and a half
16 later than scheduled, so for budget hearing
17 time, that's not bad at all.

18 So I'm now going to invite
19 Commissioner Basil Seggos. Are you here,
20 Basil?

21 COMMISSIONER SEGGOS: I'm here,
22 Senator.

23 CHAIRWOMAN KRUEGER: Oh, excellent.
24 Thank you. Thank you for waiting for us to

1 get to you. And we all have your testimony,
2 but please summarize your key points in
3 10 minutes or less.

4 COMMISSIONER SEGGOS: Will do. Thank
5 you, Senator.

6 Chair Krueger, of course Chair
7 Weinstein, and members of the committees,
8 it's fantastic to be with you now for my
9 seventh budget hearing. And this year at
10 least, batting second in the order is a nice
11 thing.

12 On behalf of DEC's 3,000 employees,
13 thank you for the opportunity to discuss
14 Governor Hochul's environmental priorities
15 for the coming fiscal year. I'm joined also
16 by Jeff Stefanko, as usual, our deputy
17 commissioner for administration, and
18 Jesh Patel, our acting director of
19 legislative affairs. And I will summarize my
20 points.

21 The Governor's budget proposes a
22 historic investment in environmental
23 protection, including raising the EPF to
24 \$400 million, its highest level ever;

1 providing an additional 500 million for
2 critical water infrastructure around the
3 state, bringing the total there to
4 4.5 billion; increasing the Clean Water,
5 Clean Air and Green Jobs Environmental Bond
6 Act -- which will go before the voters, of
7 course, in November -- to 4 billion. And all
8 told, these proposals and more amount to the
9 largest commitment to the environment in
10 New York State history.

11 This commitment will enhance
12 conservation, of course, and also improve the
13 health and welfare of the state and create
14 jobs and bolster our continued economic
15 recovery.

16 The Executive Budget also proposes to
17 extend the Brownfields Cleanup Program for
18 another 10 years, and expand it to
19 incentivize renewable energy projects and
20 cleanups in disadvantaged communities. It
21 will improve the state's Wetlands Protection
22 Program, protecting an estimated additional
23 1 million acres of wetlands and helping
24 New York to adapt to increased flooding and

1 severe storms fueled by climate change. And
2 it will create a new Extended Producer
3 Responsibility Program to reduce waste from
4 packaging and printed paper.

5 DEC's operating budget is recommended
6 at \$481.4 million. That's an increase of
7 18.1 million. DEC's capital budget would
8 grow to 9.7 billion, its largest ever. The
9 budget increases DEC's staffing to 3,108
10 employees, and that's up 168 from last year.
11 It also provides 90 million in NY Works
12 funding to support critical infrastructure
13 projects across the state.

14 These commitments will allow DEC to
15 continue to fulfill our mission of ensuring
16 the health, safety and accessibility of our
17 environment while sustaining and advancing
18 efforts to reduce emissions and invest in
19 environmental justice communities across the
20 state.

21 As a brief note, I want to bring
22 attention to DEC's extraordinary
23 professionals who served on the front lines
24 of COVID over the last, well, two years, in

1 conjunction with our state and local
2 partners. DEC constructed and operated
3 testing and vaccine sites, delivered food and
4 medical supplies, and operated call centers.
5 All told, more than 1,000 of our 3,000 staff
6 were part of the agency's response, and I
7 salute them.

8 During the pandemic, DEC has continued
9 to meet our core mission and address new and
10 emerging challenges. On climate change, as
11 you've heard this morning, DEC is helping to
12 position New York as a national leader on
13 climate action. And as cochair of the
14 Climate Action Council, along with NYSERDA
15 President Harris, we're working to ensure we
16 hit our nation-leading emissions targets, our
17 commitment to environmental justice
18 communities, and to transform today's
19 workforce.

20 We look forward to hearing the
21 public's comments, of course, over the next
22 120 -- or perhaps longer than that -- days in
23 which they will have a chance to weigh in
24 personally and in writing.

1 In addition to our Climate Action
2 Council work in 2021, DEC advanced critical
3 projects and policies and programs to
4 safeguard the health of our state. That
5 includes: Adopting New York's Advanced Clean
6 Truck Rule, which will phase in sales of
7 zero-emission trucks to reduce our pollutants
8 in communities, supporting community-based
9 organizations in environmental justice
10 communities though millions of dollars in EJ
11 Community Impact Grants.

12 Enacting regulations supporting the
13 new Organics Recycling Law and the new
14 polystyrene ban, which we worked on with you.

15 Leading the nation in protecting
16 drinking water from emerging contaminants
17 like PFAS and 1,4-dioxane.

18 Directing \$272 million in water
19 quality improvement projects across the
20 state, in conjunction with EFC and DOH, an
21 additional many millions.

22 Finalizing regulations prohibiting the
23 pesticide chlorpyrifos, and recently taking
24 steps to restrict the use of neonicotinoids;

1 Also advancing coastal resilience
2 projects from Lake Ontario and the
3 St. Lawrence River all the way down to
4 Long Island and Staten Island.

5 We've been locating and plugging
6 abandoned oil wells all across the state.

7 We've been putting emphasis on
8 sustainable use of public lands in the
9 Adirondacks and Catskills, launching a pilot
10 reservation system in the Adirondacks, a new
11 shuttle bus system in Essex County, and
12 increased investments and regulations in the
13 Catskills at the Peekamoose Blue Hole.

14 We've purchased well over 1200 acres
15 of land and conservation easements and fee
16 acquisition. We've been improving DEC's
17 campgrounds, which like parks, hit a record
18 this year of 1.5 million visitors to our
19 campgrounds. We have a nationally recognized
20 deer management plan and a trout stream
21 management plan which has been well-heralded,
22 and we're working hard to protect endangered
23 species across the state.

24 Our Environmental Conservation Police

1 have been enforcing environmental crimes.
2 Our Forest Rangers have been rescuing lost
3 hikers and responding to fires, whether
4 they're here or in other states. And we've
5 been busy of course, as you know, cleaning up
6 contaminated sites like Tonawanda Coke in
7 Buffalo, Hoosick Falls, and the Northrop
8 Grumman plume down on Long Island.

9 So we have a big and broad mission,
10 and our dedicated professionals always rise
11 to the challenge, whatever that may be.

12 In closing, I'll say that New York
13 State has long held the title of the
14 birthplace of the modern environmental
15 movement, yet it's not enough to give birth
16 to a movement when the scale of the challenge
17 demands sustained leadership. Governor
18 Hochul's proposed generational investments in
19 conservation, clean energy and green jobs
20 repositions our state at the vanguard of
21 environmental protection.

22 Thank you again for the opportunity to
23 be with you today. I look forward to your
24 questions and of course look forward, more

1 importantly, to getting the job done this
2 year in conjunction with all of you.

3 Thank you.

4 CHAIRWOMAN KRUEGER: Thank you very
5 much, Basil.

6 We will start with Senator Todd
7 Kaminsky, chair of EnCon.

8 SENATOR KAMINSKY: Thanks,
9 Chair Krueger.

10 Hello, Commissioner, how are you?
11 Good afternoon.

12 COMMISSIONER SEGGOS: Good, Senator.
13 Good to see you.

14 SENATOR KAMINSKY: A couple of
15 questions for you.

16 First, on a scale of 1 to 10, 10 being
17 as confident as one can be, how confident are
18 you that we are going to reach the CLCPA's
19 goals of 70 percent non-carbon electric
20 sector by 2030? And since you did travel to
21 the COP in Scotland, can you tell us whether
22 you got a sense that the world, including
23 developers from all over the world, realizes
24 that New York is on the ground floor of

1 opening a green economy?

2 COMMISSIONER SEGGOS: Well, Senator, I
3 did attend in confidence. And I say that
4 without any bit of braggadocio. We have to
5 hit our targets -- not just required by the
6 law, but we have to do it because the climate
7 crisis is real and we see the effects of that
8 every day, whether it's here in New York or
9 across the world. We are experiencing an
10 existential challenge ahead of us.

11 We're not alone. Luckily we've got
12 26 other states here in the U.S. that feel
13 the same way and are taking similar actions.
14 Of course we have a president now in
15 Washington who's attempting to push the
16 boldest climate agenda in our nation's
17 history.

18 I'm glad you brought up the experience
19 in Scotland at the COP conference summit,
20 where we -- Doreen Harris and I both attended
21 in representation of the Governor. Had the
22 distinct feeling like New York was well ahead
23 of the game at COP. Many of the other
24 countries, many other states and subnations

1 recognized the work of the Climate Action
2 Council and some of the work pursuant to the
3 CLCPA, and of course all the work we do in
4 offshore wind and solar.

5 There are other partners out there.
6 There are hundreds of other partners around
7 the world at the subnational level and
8 national level. But it's clear that New York
9 is at the vanguard of that. We have much to
10 learn from our friends and neighbors, but
11 we're happy to be in a leadership position
12 and to help share that knowledge around the
13 world.

14 SENATOR KAMINSKY: Commissioner, we in
15 the prior budget created ORES to help
16 fast-track green energy projects that were
17 caught up in the bureaucracy of the Article 7
18 process. Our understanding is that your
19 Office of Fish and Wildlife is sending
20 recommendations to ORES that is preventing
21 them from the expeditious approval of
22 projects.

23 Can you tell us how your two agencies
24 interact, and what we can do to make sure

1 that while local concerns are taken into
2 account, we don't have a backlog of projects?
3 When I heard Houtan Moaveni this morning say
4 he greenlit seven or eight and has
5 64 waiting, it gave me great concern.

6 COMMISSIONER SEGGOS: Sure, I'm glad
7 you raised that. I've certainly heard that
8 as well. And obviously, you know, our
9 mission -- we have a balanced mission, right?
10 We have to protect wildlife at the same time
11 as helping the state transition off of fossil
12 fuels.

13 So that mission pervades all of our
14 divisions. And when we're involved in any of
15 the proceedings in ORES or anywhere --
16 Article 10, for example -- our biologists and
17 experts deliver the testimony that they
18 believe helps to advance the project while
19 also providing for protections, necessary
20 protections.

21 I have heard those, and every time I
22 hear about that, with Heritage Wind, for
23 example, I dig into it and explore what my
24 staff is concerned about. And ultimately the

1 outcomes end up strengthening those projects.
2 And I think as Houtan said this morning, the
3 outcome speaks for itself. That project is
4 advancing.

5 I can't speak to the backlog at ORES.
6 I'm not sure if it is a backlog or a
7 pipeline. Mind you, you created the ORES
8 office to accelerate projects, and I think
9 you heard that under Article 10 some of those
10 were taking many, many years. ORES has been
11 around now for only a couple of years, and
12 they're starting to churn out results.

13 So I am optimistic that we can create
14 a balance, a necessary balance and leave the
15 natural resources of our state protected
16 while we advance these critical projects
17 through that office, and certainly look
18 forward to making sure we have the right
19 teams in place here at the agency to support
20 that.

21 SENATOR KAMINSKY: Thanks.

22 What is holding back New York from
23 having more EVs on the road? I sponsor a
24 direct-sales bill; we are behind some other

1 states. Can we be doing more, and how do we
2 ramp that up?

3 COMMISSIONER SEGGOS: I think we can
4 be doing more. I think we've recognized that
5 during the work of the Climate Action
6 Council, right, through the frankly hundreds
7 of -- thousands of hours we've all spent
8 together over the last two years.

9 Recognize that we can be doing more
10 when it comes to infrastructure and the
11 proliferation of EVs in New York State. And
12 I think we're on track to hit ambitious
13 numbers, but we're certainly willing to work
14 with you all and with our partners in
15 government to ensure that we have enough
16 infrastructure, charging infrastructure, and
17 to ensure that EVs are accessible to all
18 New Yorkers. And I know that we can't hit
19 our targets unless we have a significant
20 number of EVs sold by 2030.

21 SENATOR KAMINSKY: Okay. Just want to
22 jump around to a bunch of different subjects
23 under your jurisdiction.

24 First is sand mining. The Legislature

1 passed a bill to try to give local control
2 over sand mining. That was vetoed. A number
3 of environmentalists and scientists have
4 pointed out the problems that sand mining
5 poses to the aquifer. And there's also what
6 I would consider the bad actions of Sand Land
7 that, even after adverse rulings in court,
8 continue to mine and mine and mine.

9 Can you tell us how you're approaching
10 sand mines, whether you understand the danger
11 that they pose and whether you have your eye
12 on Sand Land specifically?

13 COMMISSIONER SEGGOS: I certainly can.
14 We certainly recognize the -- our regulatory
15 role when it comes to sand mines on
16 Long Island, the home to the sole-source
17 aquifer and the connection there between
18 surface activity and the groundwater.

19 There's 23 mines, as you know, on
20 Long Island. Six of them are permitted to
21 mine under the water table; one of those is
22 pending. We have a robust process to ensure
23 that any of the mines that we regulate are
24 being monitored effectively. There's

1 obviously a hydrologic investigation that is
2 commenced at the application process. We
3 then move into exploring potential impacts on
4 water, and then all of that is driven by
5 data.

6 To the extent there are violations,
7 our offices have been quick to move into
8 enforcement phase. I think over the last
9 five years we've assessed about \$5.5 million
10 of fines and penalties at locations down
11 there.

12 You mentioned Sand Land. We have
13 obviously litigation underway, so there's not
14 so much I can say about that other than to
15 say we're looking at them very closely to
16 ensure that they're complying not just with
17 the law, but of course what this Court of
18 Appeals is looking at. And of course if they
19 are continuing to mine at any point
20 additional activities, that would become part
21 of an enforcement program.

22 There is a study underway, as you
23 know. We took public comment on that writ
24 large. And we'll be, beginning in 2022,

1 likely Quarter 2, conducting testing,
2 periodic testing of the groundwater in the
3 area to ensure that we comport with the
4 Governor's directive to do that study in
5 conjunction with you all.

6 But it's a robust program, we take it
7 very seriously.

8 SENATOR KAMINSKY: Thank you.

9 And certainly I can speak for
10 Assemblyman Thiele that we will remain in
11 close contact with you about any actions we
12 learn happening with Sand Land.

13 COMMISSIONER SEGGOS: Absolutely.
14 Yup, we're here for that.

15 SENATOR KAMINSKY: Thank you.

16 Can you tell us your plan for
17 Adirondack Park visitor usage? Are we
18 getting close to the time where you could
19 pull up an app on your phone and see that one
20 trail is clogged and it might be time to go
21 to another one, or give people realtime
22 information?

23 COMMISSIONER SEGGOS: I'm not sure
24 we're at that point yet of having, you know,

1 apps pervasive with data. We have -- of
2 course the backcountry itself is -- has poor
3 cell service. By design, it is largely
4 wilderness area, so it is difficult to get
5 cell service in the area.

6 But we've been leaning forward in an
7 attempt to make trips to the Adirondacks far
8 more sustainable and make the experience far
9 more enjoyable. We've worked closely with
10 the High Peaks Advisory Group that we
11 created, receiving all types of
12 recommendations on how to better control
13 usage.

14 I think it's working. Several very
15 important recommendations that have come out
16 of that include a shuttle service, include a
17 parking reservation system that's now
18 underway. We're better directing funds into
19 the backcountry to make trails more
20 sustainable. We're looking at the parking
21 opportunities across the High Peaks area just
22 to keep folks off of roads.

23 So we're doing everything we can. I
24 think at this point we're excited to go to

1 the new phase of, you know, taking a
2 long-term look at usage. We're preparing a
3 scope of work for what might be a visitor use
4 management system, putting that out on the
5 street for a qualified vendor to compete for.
6 And ultimately continuously adapt and make
7 sure that we're protecting the natural
8 resource but also making the recreational
9 experience a very positive one.

10 SENATOR KAMINSKY: All right, thank
11 you. And finally, one issue that's recently
12 come to my attention in the last day.

13 Are you undertaking any enforcement of
14 the new food waste act that we worked
15 together on in the budget a couple of years
16 ago? My understanding is there are -- is a
17 particular supermarket chain that's refusing
18 to participate, and I want to make sure that
19 if food could be going to food pantries or
20 converted into energy, we're doing that, and
21 not continuing to have wasted food.

22 And I just want to know if that's
23 something that's under your purview, and hope
24 we can discuss offline where I think that

1 is -- the law is being violated.

2 COMMISSIONER SEGGOS: Yeah, I'd love
3 to get any tips you have on that. I mean, we
4 are now 31 days into the law. We expected
5 there to be hiccups up front, as there always
6 is with the creation of a new law and the
7 enforcement of it.

8 We started, as I said publicly, with
9 an education period, education and
10 consultation period. Our teams went around
11 the state, we've been talking publicly about
12 the new law and the obligation to comply with
13 it. We had a feeling there would be
14 noncompliance up front. We will work with
15 you and anyone else who sends us tips to make
16 sure there's corrections.

17 SENATOR KAMINSKY: Thank you.

18 Thank you, Chair Krueger.

19 CHAIRWOMAN KRUEGER: Thank you. I do
20 have to cut off the chair now. We've used up
21 the clock. So sorry, Todd. Thank you.

22 And I'm going to hand it over to the
23 Assembly.

24 CHAIRWOMAN WEINSTEIN: We will go to

1 the chair of our EnCon Committee,
2 Assemblymember Englebright, I believe is with
3 us.

4 ASSEMBLYMAN ENGLEBRIGHT: Yes, thank
5 you. Can you hear me?

6 CHAIRWOMAN WEINSTEIN: Great. Yes, we
7 can now. I'm glad they resolved the issue.

8 ASSEMBLYMAN ENGLEBRIGHT: Thank you
9 very much.

10 Commissioner, how are you today?

11 COMMISSIONER SEGGOS: Good to see you,
12 sir. Doing well.

13 ASSEMBLYMAN ENGLEBRIGHT: Nice to see
14 you. Good.

15 I'm very pleased to see that the
16 addition of 94 new DEC employees is in the
17 budget. We've heard complaints, as you know,
18 over the years about insufficient staff to do
19 important work like permit review and wetland
20 mapping, program oversight.

21 Do you have sufficient staff to manage
22 all of the department's important
23 responsibilities?

24 COMMISSIONER SEGGOS: I can say that I

1 do. When we foresee a need for increased
2 staff, we ask for help, and that's exactly
3 what I did this year. And the Governor of
4 course has supported that by adding staff to
5 our bottom line.

6 So, you know, since I took this
7 office, when I first started I think we had
8 about 2800 staff, and we're up over 3100 if
9 this budget goes through. And that's going
10 to really help us fulfill our ever-expanding
11 mission while keeping our core mission
12 intact.

13 ASSEMBLYMAN ENGLEBRIGHT: Addressing
14 climate change remains one of the biggest and
15 most pressing challenges that we face. How
16 much of the Executive Budget can specifically
17 be attributed to addressing climate change?
18 What was the justification for including this
19 amount? And do you have sufficient staff to
20 take on this issue, especially in the years
21 going forward?

22 COMMISSIONER SEGGOS: Well, I think
23 it's been discussed. We are proposing to add
24 another billion dollars to the bond act,

1 bringing the total to 4 billion. And of
2 that, we would be programming -- proposing to
3 program \$1.1 billion to climate mitigation.
4 Of course the other categories can arguably
5 be said to be dedicated to the resiliency
6 side of climate change.

7 So all told, what is the Clean Water,
8 Clean Air and Green Jobs Bond Act is also
9 very much a climate bond act. And to the
10 extent that the voters say yes to it, we look
11 forward to carrying that out this year.

12 I won't get into the program NYSERDA
13 spending that you all discovered and talked
14 about this morning, the \$500 million
15 investment in offshore wind. But in terms of
16 what is within DEC, we are also proposing an
17 increase to the EPF and a sizable increase in
18 the amount of money going into climate --
19 specifically, \$44 million on climate.

20 Over the course of the coming years as
21 we undertake our work on the Climate Action
22 Council and the CLCPA, we'll always be
23 looking at our staffing needs. And if there
24 is a need to increase any staffing, we would

1 certainly seek to make an adjustment on that.

2 I will note that even during the
3 course of the pandemic we were able to do our
4 work on the scoping plan as part of the
5 Climate Action Council and have done that
6 well without missing a beat on our many other
7 obligations.

8 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

9 The Climate Action Council recently
10 released a Draft Scoping Report or plan. Did
11 anything about the Executive Budget change in
12 response to the release of the plan? And if
13 so, what? And if not, why not?

14 COMMISSIONER SEGGOS: Good question.

15 I can't say that anything specifically
16 changed within the budget, but you certainly
17 have a Governor now that has taken office
18 while the state is part of the way through
19 its obligations under the Climate Act. And
20 she is absolutely dedicated to supporting us
21 and seeing that we hit our targets. I think
22 you see some of her frontline support on many
23 of the NYSERDA initiatives that have taken
24 place over the last several months.

1 So the budget, again, another historic
2 investment in DEC, potentially giving us
3 resources that we've never had, is going to
4 set us up for real success in turning around
5 projects all around the state that will not
6 just mitigate the effects of climate change
7 but also help the state adapt to it.

8 ASSEMBLYMAN ENGLEBRIGHT: In 2018 the
9 Legislature added approximately 800 acres of
10 land, including the coastal forests around
11 the Shoreham Nuclear Power Plant, to the
12 Long Island Pine Barrens. Negotiations began
13 shortly after that for the state to purchase
14 some of its property.

15 Can you tell us what is the status of
16 these negotiations, and is there sufficient
17 funding available to pay for this potential
18 acquisition?

19 COMMISSIONER SEGGOS: I can tell you,
20 Assemblyman, we've -- it's a very exciting
21 project, as you and I have discussed over
22 time, a transformational project for the
23 region. And we look forward to seeing that
24 come to reality very soon.

1 I believe we have the funding we need
2 for it, and I have undertaken an extensive
3 negotiation, in conjunction with many local
4 partners as well. So my hope is that we can
5 bring it across the finish line very soon.

6 ASSEMBLYMAN ENGLEBRIGHT: That would
7 really be wonderful. It would complete a
8 north-south greenbelt that involves federal,
9 county, local, town and now of course State
10 Parks and state DEC with a shore-to-shore
11 greenbelt that would be revolutionary. As
12 you say, transformational.

13 COMMISSIONER SEGGOS: It would be.

14 ASSEMBLYMAN ENGLEBRIGHT: So please
15 keep us informed as you progress.

16 COMMISSIONER SEGGOS: Absolutely will.

17 ASSEMBLYMAN ENGLEBRIGHT: Further to
18 Senator Kaminsky's question regarding the
19 overuse issues in the Adirondacks, also in
20 the Catskills, why was funding to address
21 this problem eliminated from the EPF? It's a
22 really serious problem.

23 COMMISSIONER SEGGOS: Well, I look at
24 the increase to the EPF as being part of that

1 reason. Right? We're adding another
2 \$100 million to the EPF. That's given us and
3 will give us extraordinary flexibility to do
4 more and eliminate the need to create these
5 carveouts.

6 I know that we're going to be
7 dedicating resources to the Adirondacks
8 probably in excess of historic lines. And so
9 I look forward to communicating exactly what
10 we're doing with you over the coming year.
11 But I wouldn't take the elimination of that
12 line as an indication that we aren't going to
13 be putting an emphasis on that. We certainly
14 need those resources; we heard it loud and
15 clear from the High Peaks Advisory Group.

16 ASSEMBLYMAN ENGLEBRIGHT: In May of
17 2021 the Court of Appeals found that the DEC
18 and the Adirondack Park Agency approval of
19 certain snowmobile construction trails was
20 unconstitutional. What is the status of
21 these trails? Are they being restored, as
22 per the logical follow-through on the court
23 decision? And, you know, are they open for
24 use in their modified form?

1 COMMISSIONER SEGGOS: I mean,
2 certainly any of the trails that would have
3 been started pursuant to that historic plan
4 went to a grinding halt when we saw that the
5 subject was brought before the court.

6 Any of the trails that are being used
7 now are the ones that are historic in nature,
8 of course that predate the litigation. And
9 we have not added any more trails in the
10 Adirondacks.

11 ASSEMBLYMAN ENGLEBRIGHT: We'll be
12 watching that carefully. It's a really
13 important court decision, and the fidelity of
14 your agency to that court decision is
15 something very important to all of us.

16 Speaking of mysterious cuts to
17 funding, let me just add that I was mystified
18 by the funding cut for hookups for electronic
19 vehicles. And have equal astonishment at the
20 funding cutback for the Peconic Estuary,
21 which clearly should be a priority. It's one
22 of the great ecosystems of our state.

23 Why were these cuts put into the
24 budget?

1 COMMISSIONER SEGGOS: Well, I know
2 that, as you heard this morning the
3 significant emphasis from sister agencies to
4 put money into helping expand vehicle
5 charging stations around the state. Of
6 course we look forward to working with you,
7 as we do every year, on the EPF to ensure
8 that it's matching mission and that we aren't
9 leaving holes out there. It is a popular
10 program.

11 On the Peconic as well, I think it's a
12 similar answer that I gave on the High Peaks.
13 We certainly are going to be working on the
14 Peconic Estuary at an extraordinary level
15 with our Region 1 staff and our staff here at
16 headquarters. And to the extent we need to
17 make any adjustments to the EPF, as we always
18 do, we'll be working with you on that.

19 ASSEMBLYMAN ENGLEBRIGHT: Much
20 appreciated.

21 Commissioner, I know you've taken a
22 personal interest in a portion of the Peconic
23 and Long Island Sound Estuaries. The hinge
24 between these two national estuaries is

1 Plum Island.

2 COMMISSIONER SEGGOS: Yes.

3 ASSEMBLYMAN ENGLEBRIGHT: Have you
4 sent a letter, are you planning to send a
5 letter to the federal government? At this
6 point the process is such that several
7 federal agencies have first dibs, but if
8 there was interest shown from the state, I
9 think they may be deferential.

10 Have you weighed in with a letter that
11 would protect Plum Island as part of the
12 state's open spaces?

13 COMMISSIONER SEGGOS: Yes, good timing
14 on the question. We sent a letter yesterday,
15 Erik Kulleseid and I both sent a letter to
16 the Secretary of the Interior indicating that
17 we wanted to be kept apprised of what the
18 federal government was doing on that island.
19 And we expect them to make a decision in the
20 next few months, and would adjust accordingly
21 based on how they intend to approach it.

22 But we have a significant interest in
23 the ecological, recreational, aesthetic,
24 historical -- I mean, there are indigenous

1 cultural issues on the island as well. So
2 we'll be watching them very closely, and
3 we'll keep you apprised of it as it goes.

4 ASSEMBLYMAN ENGLEBRIGHT: Thank you
5 very much.

6 I yield back to the chair, thank you.

7 CHAIRWOMAN WEINSTEIN: Back to the
8 Senate, then.

9 CHAIRWOMAN KRUEGER: Thank you very
10 much.

11 And our next Senator is -- excuse
12 me -- Senator Hinchey.

13 SENATOR HINCHEY: Thank you,
14 Madam Chair. And hello, Commissioner.

15 COMMISSIONER SEGGOS: (Inaudible.)

16 SENATOR HINCHEY: Chair Englebright
17 actually asked one of my questions about the
18 Adirondacks overusage line in the EPF --
19 although I would just want to be very clear
20 that we fought really hard last year for it
21 to include the Catskills. And so I look
22 forward to working with you to make sure that
23 the Catskills are reflected in the EPF
24 funding that is there as well.

1 COMMISSIONER SEGGOS: Great.

2 SENATOR HINCHEY: To build off of
3 that, though, we know -- and as we've already
4 talked about in this short time -- the
5 overusage piece of our parks and how
6 important our Forest Rangers are in that.
7 Can you talk a little bit about what you are
8 doing and what your agency is doing to
9 recruit and retain our Forest Rangers as well
10 as making sure that their jobs are
11 competitive?

12 COMMISSIONER SEGGOS: Great question.

13 Very excited that we'll be hosting an
14 academy in the next few months -- the first
15 academy in a couple of years -- for
16 Forest Rangers and ECOs. This particular
17 academy will have the largest class of
18 Forest Rangers ever, a class of 40, that will
19 bring their numbers up to the highest levels
20 they've ever had.

21 And I certainly recognize the work
22 that they do and want to support them and
23 continue to adjust the force as conditions
24 demand it in the field. When they're not

1 fighting COVID or wildfires, they're rescuing
2 lost hikers. So they perform an invaluable
3 service, and we need to do everything we can
4 to not just grow their numbers but retain
5 them and -- I have a team here that's
6 dedicated to managing our law enforcement
7 that's constantly thinking about equipment,
8 retention policies, making sure that this
9 team has everything they need in terms of
10 leadership and direction. I know we have
11 that right now.

12 SENATOR HINCHEY: Thank you.

13 And I know they've been fighting
14 really hard for that 20-year retirement bill,
15 so I look forward to working with you and
16 anybody to see how we can make their jobs as
17 competitive as possible in the space.

18 I want to switch topics a little bit,
19 about clean water infrastructure. We know
20 that the Governor allocated another
21 \$500 million for clean water funding in the
22 budget -- which is great, but what we see
23 often is that type of funding typically goes
24 to communities that have already received it

1 prior, especially through competitive grant
2 programs that once you're in, you're in. And
3 a lot of our small upstate communities don't
4 have the ability to apply for those grants.

5 Can you talk a little bit about how
6 some of this money is planned to get out into
7 upstate and rural communities who are often
8 seeing water infrastructure up to about
9 200 years old?

10 COMMISSIONER SEGOS: Hmm. No doubt
11 about it.

12 We have made an effort to ensure that
13 these dollars are being spent in an equitable
14 way -- not just downstate, of course, where
15 the needs are great, but all across the state
16 where you have this antiquated
17 infrastructure.

18 When the Governor took office, she
19 very quickly gave us the green light to free
20 up some of that money that -- basically
21 \$600 million that had been held somewhat
22 during the pandemic. We have made
23 \$265 million and put that out there --
24 \$272 million, actually, that went out in

1 December.

2 About 53 percent of our awards are
3 going to more disadvantaged communities --
4 that's environmental justice communities as
5 well as hardship communities. We created
6 also a category within the Environmental
7 Facilities Corporation on the loan side to
8 ensure that we were giving zero-interest
9 loans to communities when they were needed.

10 So we're trying to match both the
11 grants and the loans so that we get it out
12 across the state, not just to historically --
13 communities that have very well competed for
14 those dollars in the past.

15 CHAIRWOMAN KRUEGER: Thank you. I
16 have to cut off this questioner and
17 Commissioner Seggos.

18 Assemblywoman Weinstein.

19 CHAIRWOMAN WEINSTEIN: We will be
20 going to Assemblyman Smullen, the ranker on
21 EnCon, so he gets five minutes. Yes,
22 five minutes. Thank you.

23 ASSEMBLYMAN SMULLEN: Thank you very
24 much, Chair.

1 Mr. Seggos, it's great to see you.

2 COMMISSIONER SEGGOS: Good to see you
3 as well.

4 ASSEMBLYMAN SMULLEN: We've got the
5 lightning round here, so let's do it.

6 What is your assessment, since I think
7 you're the senior commissioner in New York
8 State government at this time in terms of
9 longevity --

10 COMMISSIONER SEGGOS: Hmm. Scary.

11 (Laughter.)

12 ASSEMBLYMAN SMULLEN: What is your
13 assessment of the structure of the Climate
14 Action Council? You know, one of the worries
15 I have is that the electricity grid itself is
16 able to handle this enormous load we're about
17 to put on it over the next 10 years. Should
18 the New York ISO be on the Climate Action
19 Council? Should we amend that?

20 COMMISSIONER SEGGOS: We are in
21 regular communication with the ISO. We have
22 members, of course -- we have not just the
23 22-member Climate Action Council, but we've
24 got hundreds of -- well over a hundred

1 experts on the outside who have been advising
2 us. We, DEC, we turn to the ISO on a regular
3 basis in terms of some of our permitting
4 proceedings and regulatory proceedings. I
5 know that they have a voice in helping us to
6 shape our plan for the future.

7 So whether they are formally involved
8 or not -- it might be a little bit late to
9 formally involve them, but we certainly will
10 be engaging with them over the course of the
11 next 12 months as this public comment process
12 is out. We have to do it with them.

13 ASSEMBLYMAN SMULLEN: Thank you.

14 You know, I'm the son of a union
15 bricklayer. In the same vein, should some of
16 our organized-labor trades also be, you know,
17 very closely involved or officially involved
18 in the process? They're going to be the ones
19 that are going to build these things, they're
20 going to be the ones that actually, you know,
21 put the work out there in the field. Should
22 they be involved?

23 COMMISSIONER SEGGOS: Well, I'm proud
24 to let you know that they are. They have a

1 strong seat at the table. In fact,
2 Department of Labor Commissioner Reardon is
3 one of the members of the Climate Action
4 Council. And through some of the panels --
5 and particularly the Just Transition Work
6 Group is comprised of a significant number of
7 members of labor.

8 So that transition that you're
9 alluding to, from the jobs of today to the
10 jobs of tomorrow, how do we make that
11 transition smooth, is going to be very much
12 informed by a strong relationship with labor.

13 ASSEMBLYMAN SMULLEN: Thank you for
14 that. I really hope that they are really
15 getting their necessary knowledge into this
16 process.

17 We've only got a few minutes. We
18 talked about the \$4 billion bond act that's
19 coming out. What's the current level of
20 New York State's debt right now?

21 COMMISSIONER SEGGOS: You've got me on
22 that one. I don't know. I couldn't tell you
23 offhand --

24 ASSEMBLYMAN SMULLEN: I'm interested

1 in the level of debt and the bond rating and
2 how this \$4 billion is actually going to
3 affect the rating.

4 So what are the top three expenditures
5 that you imagine this \$4 billion fund being
6 spent on?

7 COMMISSIONER SEGGOS: Okay. Well, the
8 categories will be familiar to you. We're
9 not proposing to change the categories that
10 you had seen two years ago when we first
11 began talking about the bond act and
12 unfortunately had to put that on hold at the
13 time.

14 But the categories are restoration and
15 flood risk reduction, so of course helping
16 municipalities withstand more severe weather;
17 open space and land conservation, which
18 pertains to fish hatcheries, of course open
19 space acquisition, farmland protection. On
20 the climate change front, helping with green
21 buildings. And a general category, water
22 quality improvement as well, helping to
23 improve water quality across the state,
24 drinking water and stormwater. And then

1 capital projects that are critical to our
2 landscape and recreational future.

3 So those are the categories that we
4 worked on last time. The only real increase
5 is to the climate mitigation bucket, and
6 that, I think, as we talked quite a bit this
7 morning, is going to help us advance some of
8 those clean energy agendas.

9 ASSEMBLYMAN SMULLEN: Well, I look
10 forward to working with all of the council on
11 hard infrastructure projects, so we're
12 getting our money's worth in dams and all the
13 coastal areas that need a lot of work. It
14 would be very important.

15 So we're getting towards the end of
16 our time here. We talked a little bit about
17 carbon emissions and you heading off to
18 the -- to Scotland. Did the Chinese, when
19 they were in Scotland, did they actually
20 agree to reduce their emissions?

21 COMMISSIONER SEGGOS: You know, China
22 wasn't in the -- at the table until very late
23 in the three-week summit. They did finally
24 come to the table at the end and strike a

1 deal with the U.S. to continue a dialogue.

2 But I will say that, you know, we left
3 Scotland with -- on a high note with some
4 very positive action at the state level, the
5 subnational level, and maybe some
6 less-than-ambitious progress at the national
7 level, meaning the accords we were able to
8 strike between nations.

9 And of course China, being a huge
10 emitter, was a latecomer to negotiations.
11 And frankly when we all gather -- when they
12 all gather at the end of this year in Egypt
13 for COP 27, that's going to be a huge aspect
14 of negotiations, is locking down China and
15 some of the other high-polluting countries.

16 ASSEMBLYMAN SMULLEN: Well, thank you
17 very much.

18 COMMISSIONER SEGGOS: Thank you.

19 CHAIRWOMAN WEINSTEIN: Thank you. We
20 go back to the Senate.

21 CHAIRWOMAN KRUEGER: Thank you.

22 The next testifier is Senator Stec,
23 ranker, for five minutes.

24 SENATOR STEC: Thank you, Madam Chair.

1 Good afternoon, Commissioner. How are
2 you?

3 COMMISSIONER SEGGOS: Good, sir. Good
4 to see you.

5 SENATOR STEC: Hey, good to see you.
6 Thanks for your work.

7 I'd like to run through my five
8 minutes pretty quickly in different areas.
9 I'm not going to ask you the question that I
10 ask you all the time because I'm going to be
11 polite about whether or not all the extra
12 work that we throw your way in the
13 Legislature is going to get done in addition
14 to all the work that you currently have to do
15 with the budget that doesn't move a lot and
16 with the head count that doesn't move a lot.

17 I know your answer; I'm not sure I buy
18 your answer.

19 COMMISSIONER SEGGOS: (Laughing.)

20 SENATOR STEC: But because I like you,
21 I'm not going to put you on the spot there.
22 But for my colleagues that are listening, you
23 know, hopefully I made the point.

24 In the Forest Rangers, in the

1 Adirondacks, as you know, my father's a
2 retired Ranger. And back when I was a kid
3 and the Governor was Mario Cuomo, we had
4 about the same number of Rangers, total
5 Rangers in the state, as we do today, a
6 number around 130. However, since the
7 inception of the Adirondack Park, we've added
8 350,000 acres to the Forest Preserve. And as
9 everyone knows, due to social media and how
10 cool the Adirondacks are, we've had a
11 significant increase over the last decade in
12 hikers and associated activity for the
13 Rangers, so that goes with that.

14 I heard you answer Senator Hinchey's
15 questions earlier, and I appreciate her
16 appreciation of the Forest Rangers. Is there
17 a plan to increase the Rangers in the
18 High Peaks? And I'd be -- you know, I think
19 you're having a lot of retention/replacement
20 and a lot of these classes are going towards
21 attrition. But are we going to actually
22 increase Rangers in the High Peaks?

23 COMMISSIONER SEGGOS: The answer is
24 yes. This class should increase the overall

1 number significantly. And of course the
2 High Peaks is where you have most of the
3 action, most of the rescues, most of the
4 incidents. And I've been working closely
5 with the division's leadership to make sure
6 that we have the right number of Rangers up
7 there. It's obviously complicated in some
8 cases to orchestrate a transition from one
9 home to another, but from an institutional
10 perspective, we need to make sure we have
11 that force staffed up accordingly in the
12 High Peaks.

13 SENATOR STEC: In addition to that, as
14 you know there's been a long history with the
15 Rangers. They were considered police
16 officers, then they weren't considered police
17 officers. I know a few years ago there was
18 consideration about merging their title with
19 the ECOs. I don't want to get into that.

20 But the Rangers back in 2006 became
21 police officers again, and their level of
22 responsibility and training has certainly
23 increased over the years. And obviously, as
24 you're aware, their use in particular in the

1 Adirondacks has greatly increased. Has there
2 been -- is there going to be movement on a
3 salary grade increase for our Forest Rangers?

4 I know that there's concerns about
5 compression and competition with other
6 agencies. I remember when my Dad was a
7 Ranger, they made a lot less money than State
8 Troopers did. But I know there's also a
9 compression issue with backfilling or
10 promoting Rangers and Rangers not wanting to
11 take jobs because of the compression of the
12 pay scale. So is that going to get addressed
13 soon?

14 COMMISSIONER SEGGOS: Well, I'd have
15 to defer to the Division of Budget and GOER,
16 which handles much of the collective
17 bargaining. We would weigh in as they need
18 our information.

19 We certainly have an interest in
20 making sure we have a good retention policy
21 here. Some of that is under my control; some
22 of it's not. And I would leave that to the
23 next time that the Rangers are taken up under
24 collective bargaining.

1 SENATOR STEC: Right. I mean, is --
2 am I correct to assume that they have a
3 strong case that I probably inadequately laid
4 out?

5 COMMISSIONER SEGGOS: I couldn't tell
6 you one way or the other. I know that we are
7 an attractive agency. We do -- we do have a
8 good package, we have an attractive career
9 for anyone who wants to become a Ranger. In
10 some cases, in my view, it's at least as
11 competitive if not more so than -- when you
12 take everything into account -- than what the
13 Troopers get.

14 But I understand basic pay and other
15 issues need to be taken into account. That's
16 something that collective bargaining will
17 take up.

18 SENATOR STEC: Okay, great.

19 In the EPF \$400 million, a
20 \$100 million increase, is some of that
21 funding going to be going towards
22 addressing -- I'm sure the answer is yes, but
23 if you could elaborate briefly on trail
24 maintenance, you know, and all the -- you

1 know, I mean somebody mentioned earlier,
2 Chairman Englebright did, about the tree
3 cutting lawsuit decision -- which not all of
4 us in the Adirondacks agree with his read on
5 it, but that's okay.

6 But we do have infrastructure needs
7 and maintenance needs that aren't occurring
8 in the Adirondacks, which is contributing to
9 the problem that Chairman Englebright so
10 eloquently expressed.

11 COMMISSIONER SEGGOS: No doubt about
12 it, the EPF does contain a \$15 million
13 increase to our public access stewardship
14 line. In addition, we have another --

15 (Zoom interruption.)

16 COMMISSIONER SEGGOS: -- another
17 \$90 million in our NY Works, which is great
18 for us in the Adirondacks as well. And then
19 of course the bond act, when and if that
20 comes to be, we would seek to make sure it
21 was balanced around the state. But we're
22 making investments of course to the
23 Adirondacks, where you have major needs.

24 SENATOR STEC: Thank you. I see my

1 time's up. Thank you.

2 CHAIRWOMAN KRUEGER: Thank you, Basil.
3 Thank you, Dan Stec. I have to cut you off
4 now and hand you back to the Assembly.

5 CHAIRWOMAN WEINSTEIN: We're going to
6 go to Assemblyman Ra, the ranker on Ways and
7 Means, for five minutes.

8 ASSEMBLYMAN RA: Thank you, Chair.

9 Good afternoon, Commissioner. Good to
10 see you again.

11 COMMISSIONER SEGGOS: Good afternoon.
12 Likewise.

13 ASSEMBLYMAN RA: I just wanted to get
14 into extended producer responsibility a
15 little bit.

16 So I know under the definition we're
17 talking about the producer who manufactures
18 packaging. I mean, obviously for all of us
19 when we see items shipped and everything,
20 we -- you know, we want to kind of I think
21 change behavior, really, here. Right? You
22 know, we want -- you know, not to use too big
23 packaging, not to break up shipments into
24 multiples, all that type of stuff.

1 So, you know, does it make more sense
2 to maybe tweak that definition a little bit
3 so that we're talking about maybe the company
4 that's utilizing the material as opposed to,
5 you know, the manufacturer itself of
6 cardboard? Like if, you know, some corporate
7 logo's going to get stamped on that box and
8 they're the ones shipping, don't we want to
9 be influencing that shipper to use less
10 materials?

11 COMMISSIONER SEGGOS: That's a good
12 question. I think it gets really at the
13 heart of what we're trying to accomplish,
14 which is ultimately at the end of the
15 tailpipe we need to have less waste. How do
16 you get there? How do you take the burden
17 off of taxpayers right now, who are frankly
18 fronting the bill when it comes to municipal
19 recycling costs, when it comes to
20 landfilling, when it comes to all that
21 transit of recycled or waste product around
22 the state. So how do you reduce that?

23 From our investigation over the course
24 of the last really couple of years, in

1 originator doesn't make a product that then
2 has to be so heavily handled and dealt with
3 along the way.

4 ASSEMBLYMAN RA: Thank you.

5 And so I know this is not -- you know,
6 and thanks to the -- you know, I think our
7 chair, Mr. Englebright, my Long Island
8 colleague, has -- you know, I've been on
9 forums with him and stuff, you know, so I've
10 learned a lot about this topic from this.
11 But, you know, there are other states that
12 have looked at this or are doing it. Are
13 there any lessons we can learn right now from
14 other states who may be a couple of steps
15 ahead of us and doing this?

16 COMMISSIONER SEGGOS: Absolutely. I
17 mean, we'll look actually around the world.
18 There's Maine, Oregon -- both have programs
19 that are in effect right now. We can
20 actually look inward to New York as well. We
21 do have, as you know, EPR programs already
22 for several waste streams. And e-waste, for
23 example, has been very successful, a billion
24 pounds recovered. Batteries as well, 2.6

1 million pounds.

2 So we can look outward but also inward
3 to some of our successes and make sure we
4 launch a really good program in conjunction
5 with stakeholders and industry.

6 ASSEMBLYMAN RA: Thank you very much,
7 Commissioner.

8 COMMISSIONER SEGGOS: Thank you. Good
9 to see you.

10 ASSEMBLYMAN RA: You as well.

11 CHAIRWOMAN WEINSTEIN: To the Senate.

12 CHAIRWOMAN KRUEGER: Thank you.

13 Senator John Mannion.

14 SENATOR MANNION: Hello, Commissioner,
15 good to see you.

16 COMMISSIONER SEGGOS: Good to see you
17 as well.

18 SENATOR MANNION: So the Executive
19 Budget proposes increasing the funding for
20 flood mitigation strategies through the bond
21 act and Environmental Protection Fund. My
22 district includes Cross Lake and areas along
23 the Seneca River. Can you speak to any
24 efforts that the DEC has taken to address

1 consistent flooding in the areas, such as
2 water management, capital projects or
3 wetlands creation?

4 And, you know, I'm excited that we do
5 have this Flood Mitigation Task Force that is
6 going to convene hopefully soon, and
7 additional legislation to support it, and
8 hopefully dollars.

9 But my question is back to, you know,
10 have there been any efforts to address the
11 consistent flooding in the area?

12 COMMISSIONER SEGGOS: The answer is
13 yes. Unfortunately, we've seen an enormous
14 amount of flooding in your district in the
15 course of the last five years. And numerous
16 times I've been all across upstate New York
17 during these mega-storms and seen the impacts
18 of flooding in districts north, south, east
19 and west.

20 So we have I think a piecemeal
21 approach right now to response, right? We
22 have a very effective response working with
23 local authorities. But ultimately making
24 rivers and streams less prone to flooding in

1 communities, that's getting to the heart of
2 the bond act. That's really what the bond
3 act is about; it's about how do we prepare
4 the state for the new normal.

5 Yes, DEC has had a good amount of
6 funding through the EPF and NY Works for the
7 last few years, and we've dedicated that
8 statewide. But we're talking about a
9 significant change in the way that weather is
10 impacting the state. And until we have some
11 real resources, we'll be largely chasing our
12 tail.

13 This commitment from the Governor is
14 going to provide us with resources we've
15 never had, and frankly it's going to go into
16 every portion of the state and helping
17 communities that are beset by these repeated
18 types of floods.

19 SENATOR MANNION: Thank you for the
20 response. I appreciate that.

21 Quickly, as I have under a minute,
22 Invasive Species Grant Program. We have
23 water chestnuts in my district, also in the
24 Seneca River, and the state has proposed

1 \$17 million from the EPF for combating
2 invasive species. Can you speak to how this
3 funding or what programs the DEC would be
4 supportive of regarding water chestnut
5 mitigation?

6 COMMISSIONER SEGGOS: We certainly do
7 what we can on the eradication side. The
8 focus of much of our work when we were giving
9 grants on this was on the prevention side.
10 Prevention is the best approach. Once you've
11 got invasives in a body of water it's
12 extraordinarily difficult and expensive to
13 pull those types of water chestnuts and any
14 other invasives out of that water body.

15 Looking forward this year, we have a
16 significant invasive species program. We
17 look to get resources out to the field so
18 that we're fixing problems as they occur, but
19 also really reminding boaters as they transit
20 the state to do clean, drain and dry and stop
21 the movement of invasives.

22 We're happy to work with you on that
23 specifically, Senator.

24 SENATOR MANNION: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you both.
2 Assemblywoman.

3 CHAIRWOMAN WEINSTEIN: We go next to
4 Assemblywoman Lupardo. We're now finished
5 with all the rankers, so we're now on three
6 minutes apiece.

7 ASSEMBLYWOMAN LUPARDO: Hello.

8 COMMISSIONER SEGGOS: Hi, there.

9 ASSEMBLYWOMAN LUPARDO: How you doing?

10 COMMISSIONER SEGGOS: Good, ma'am, how
11 are you?

12 ASSEMBLYWOMAN LUPARDO: Fine. I just
13 have a couple of quick questions for you.

14 As you know, Senator Hinchey and I
15 have passed, last year, the Soil Health and
16 Climate Resiliency Act, and I'd like to think
17 that contributed to a substantial increase in
18 funding. I mean, \$13 million in additional
19 funding for the climate resilience farming;
20 we've got additional funds -- it looks like
21 \$2 million -- for farmland protection;
22 additional funds for soil and water and even
23 the Cornell Soil Health Program got an
24 increase.

1 I'm just curious not only what you
2 make of this but how you think this fits into
3 the state's climate goals and specifically
4 the CLCPA.

5 COMMISSIONER SEGGOS: Well, I think
6 it's a very important aspect of how we see
7 the state in the future. We are a
8 breadbasket, right, we have this incredible
9 resource of our farmlands here in New York,
10 and you've got a great commissioner in
11 Richard Ball, who's been a part of our
12 Climate Action Council and really a strong
13 voice on it.

14 I think it's helped to move all of us
15 into thinking about how our farms need to
16 remain sustainable and how they can be a part
17 of the solution for the future. And that
18 starts now by investing in farms and making
19 sure that we're not losing farms to
20 development or seeing land go fallow. And I
21 credit the relationship with you and
22 Senator Hinchey, on a constant basis helping
23 to hammer that home and bring us the stories
24 from your constituents.

1 ASSEMBLYWOMAN LUPARDO: I appreciate
2 your saying that. We're looking forward to
3 working with you.

4 You know, a number of my colleagues --
5 I know that Ms. Barrett is on the line, and
6 others -- have spoken up over a number of
7 years on the benefits of carbon farming in
8 particular. I was just curious what your
9 thoughts are on how carbon farming in
10 particular, and potentially the use of
11 biodigesters, which Ms. Woerner has been also
12 a proponent of, fits into the greater goal.
13 As you know, we were a little frustrated that
14 biodigesters did not qualify in the CLCPA.

15 COMMISSIONER SEGGOS: Well, listen, a
16 well-managed farm with, you know, good
17 products during the course of the year and
18 cover crops over the winter, helps to
19 sequester so much carbon. And we've seen
20 some of the numbers on that through the
21 Climate Action Council.

22 So we look forward to making sure that
23 we have strong policies in place to continue
24 that and keep strengthening that, both

1 through the EPF and through any of our
2 investments, our New York climate investments
3 moving forward.

4 In terms of anaerobic digestion, I
5 mean I've seen those work firsthand, I've
6 toured many of them around the state.
7 There's strong application for them at many
8 farms, and it's a way to offset emissions but
9 also to help farms offset costs. We see it
10 playing a role within the state's climate
11 plans. And certainly the farmers themselves
12 are going to look to ensure that those are
13 being invested in accordingly.

14 ASSEMBLYWOMAN LUPARDO: Very good.
15 Thanks a lot.

16 COMMISSIONER SEGGOS: Thank you. Good
17 to see you.

18 CHAIRWOMAN KRUEGER: Thank you. I'm
19 going to go back to the Senate, if that's all
20 right, Assemblywoman.

21 CHAIRWOMAN WEINSTEIN: Yes. Yes,
22 please.

23 CHAIRWOMAN KRUEGER: Senator Brad
24 Hoylman.

1 SENATOR HOYLMAN: Thank you,
2 Madam Chair.

3 Good to see you, Commissioner.

4 COMMISSIONER SEGGOS: Good to see you.

5 SENATOR HOYLMAN: First, just thank
6 you for all of your work and for the
7 independence you've demonstrated,
8 particularly in the last months of your
9 tenure in the previous administration. I
10 really just wanted to acknowledge that.

11 I wanted to ask you quickly -- we've
12 spoken about the combined heat and power
13 plant at Peter Cooper-Stuyvesant Town that's
14 being proposed by Blackstone. I don't know
15 if you know, but we were told just yesterday
16 that the Title 5 permits that would have
17 required DEC to review the application have
18 now been -- I guess obviated the proposed
19 emission levels that -- in the application
20 are just barely under the legal threshold --

21 COMMISSIONER SEGGOS: Yes.

22 SENATOR HOYLMAN: -- to avoid the
23 relevant regulations and I guess your
24 oversight.

1 What should we make of it? Is
2 there -- what role is DEC going to play in
3 this proposal now that they've I guess
4 changed their application?

5 COMMISSIONER SEGGOS: Right. Well,
6 obviously if they fall under our
7 jurisdictional level, it makes it more
8 difficult to have a more robust discussion.
9 But that shouldn't constrain us from having a
10 discussion about the potential climate
11 emissions. And in fact we have put the
12 facility on notice that we want to have a
13 more robust analysis on the Climate
14 Leadership and Community Protection Act
15 impacts.

16 We understand that they will be coming
17 back to that very quickly, and we're going to
18 be an active participant in the city's local
19 environmental review as well. The city will
20 end up taking up a number of these questions
21 through their SEQR process, so we'll be
22 there.

23 We certainly -- anytime there's an
24 emissions source like this, we're going to

1 ask the questions about CLCPA and ensure that
2 some of those important Climate Act
3 provisions are being taken care of.

4 SENATOR HOYLMAN: And how would we
5 even know whether the emissions level was
6 exceeded? Is that something that if they do
7 in fact apply it with a lower threshold of
8 emissions, would DEC test that on a regular
9 basis?

10 COMMISSIONER SEGGOS: We would
11 certainly be involved up front to understand
12 the technology, to know what the potential is
13 to emit. And that would be borne out by the
14 engineering specs that were provided.

15 Over time, as with any facility,
16 there's periodic reporting obligations, so
17 we'd understand if they perhaps built
18 something that is in violation of their
19 statute and we would be -- or of their permit
20 or their registration, and we would go back
21 to ensure that they were either complying
22 with it or reapplying for a new one.

23 So it would be very much an iterative
24 process and making sure they're complying

1 with the law, but really tracking the data.

2 SENATOR HOYLMAN: Thank you very much.

3 Thank you, Madam Chair.

4 COMMISSIONER SEGGOS: Thank you,

5 Senator.

6 CHAIRWOMAN KRUEGER: Thank you.

7 Back to the Assembly.

8 CHAIRWOMAN WEINSTEIN: So next we're

9 going to Assemblywoman Lunsford.

10 ASSEMBLYWOMAN LUNSFORD: Hello,

11 Commissioner. Thank you so much for your

12 time here.

13 I'm coming to you again from the

14 district that represents the High Acres

15 Landfill. I'll tell you that just this

16 morning we got over 50 odor complaints, and

17 this has been a particular issue recently.

18 It's been years now of us dealing with these

19 odor complaints, and I want to ask you a few

20 questions in that context.

21 COMMISSIONER SEGGOS: Okay.

22 ASSEMBLYWOMAN LUNSFORD: Particularly,

23 what is DEC doing to help mitigate fugitive

24 emissions from landfills across the state,

1 both active and inactive? And what are we
2 going to be doing to make up for lost time on
3 our Beyond Waste goals, given that some of
4 that was suspended during the pandemic?

5 COMMISSIONER SEGGOS: Well, I'll tell
6 you, every landfill is different, every
7 landfill is constructed differently, and
8 certainly not every landfill is next to a
9 community. And this one in particular has a
10 high level of visibility here in my office.
11 We see those complaints as well.

12 And I've sent my staff out there on a
13 nearly daily basis at times, when we're
14 seeing these tranches of complaints about
15 problems, going onto the site, making sure
16 that the company's operating in a responsible
17 manner.

18 I'm not satisfied. Certainly anytime
19 I hear complaints like this on a regular
20 basis I'm not particularly satisfied by the
21 outcome. And we look to always push the
22 operator into compliance.

23 As I understand it, this landfill is
24 now the subject of litigation, so I can't

1 talk at great detail about it. But I will
2 tell you we just hired a new deputy
3 commissioner, and one of her first tasks is
4 going to be to get on top of the odor
5 complaints at that particular facility.

6 We have -- as I think you know, I
7 spelled out earlier the goal to reduce waste
8 in the first place, which is really the heart
9 of the Governor's EPR bill that she's
10 proposing. And to the extent we can help
11 reduce waste in the first place, increase
12 recycling waste -- because we're recycling,
13 right -- that then puts less pressure on
14 landfills, generates less gas, and ultimately
15 makes people less unhappy when they smell
16 odors.

17 But we take it very seriously. I
18 understand odors are not just a nuisance,
19 they really are impacting quality of life.

20 ASSEMBLYWOMAN LUNSFORD: I believe
21 they're just symptomatic of other fugitive
22 emission issues. You know, we can -- we
23 don't have time right now to talk about the
24 PFAS leaching that we're seeing from a lot of

1 our landfills.

2 But if you could, are we still on
3 target to reach our Beyond Waste goals of
4 65 percent organic waste diversion by 2030?

5 COMMISSIONER SEGGOS: Well, with the
6 organics legislation that we signed and
7 worked on with the Legislature, I believe we
8 will hit those targets. We now have 31 days
9 of operation, so it's a bit early to know
10 whether or not we're going to have a
11 successful Year One or have lots of education
12 and enforcement.

13 But my goal is to make sure we have a
14 really good launch this year so that we're
15 hitting that 2030 goal.

16 ASSEMBLYWOMAN LUNSFORD: All right,
17 thank you. I am out of time, but I will
18 follow up.

19 COMMISSIONER SEGGOS: We can keep
20 talking about it, absolutely, offline.

21 ASSEMBLYWOMAN LUNSFORD: Thank you.

22 COMMISSIONER SEGGOS: Yup.

23 CHAIRWOMAN WEINSTEIN: We go to the
24 Senate.

1 CHAIRWOMAN KRUEGER: Thank you very
2 much.

3 And we go to Senator Serino. Are you
4 there, Senator Serino? Oh, there you are.

5 SENATOR SERINO: I'm so sorry,
6 Madam Chair.

7 CHAIRWOMAN KRUEGER: That's okay.

8 SENATOR SERINO: Yes. And thank you,
9 Commissioner, for being here today and taking
10 our questions.

11 COMMISSIONER SEGGOS: Thank you,
12 Senator.

13 SENATOR SERINO: So once again, you
14 know, we have an Executive Budget proposal
15 that fails to include any significant funding
16 to combat the spread of Lyme and tick-borne
17 diseases. And as my colleagues know, I'm
18 always talking about ticks, you know, either
19 through increased education, research, or
20 prevention initiatives.

21 And we've spoken about the importance
22 of this issue before, and that it's rapidly
23 spreading across the state. While it's
24 often, you know, looked at as a health issue,

1 we know it's an environmental issue as well.
2 So your advocacy on this front could be key.
3 And I was wondering if you could tell me why
4 you think this funding is continuously left
5 out of the Executive Budget proposal and what
6 you'd recommend that we do to change that, if
7 there's anything you can suggest.

8 COMMISSIONER SEGGOS: Sure. Well, I
9 certainly would recommend -- not to defer
10 everything, but to talk to DOH about that,
11 because they do manage the Lyme disease
12 program here in New York State.

13 From a landscape perspective, however,
14 we recognize that creating a healthier
15 landscape ultimately reduces the chances of
16 having tick-borne issues, and that ranges
17 from having a robust and well-managed hunting
18 program all the way through to protecting
19 landscapes and restoring landscapes. And
20 frankly I believe if we do this right, the
21 bond act funding that's been proposed will
22 help us make those investments in open space
23 that we've needed to do for a long time.
24 Anytime you see a deteriorated landscape and

1 you have people going into it, you know, you
2 have those opportunities for conflict.

3 So we do have a conservation mindset,
4 the agency, and that in part will help on the
5 human health side. But I get your point and
6 would recommend a conversation with DOH on
7 some of their education plans.

8 SENATOR SERINO: Those are really good
9 points.

10 And my other question is, you know,
11 lakes in the communities that I represent,
12 especially in Putnam County, have been
13 heavily impacted by the blue-green algae.
14 And I've heard from local representatives who
15 are frustrated with the new testing process
16 that requires samples to be sent to DEC, and
17 it takes days to get the results back.

18 And I was just wondering if there's
19 anything in this budget proposal that aims to
20 safeguard our waterways against this, or to
21 improve the testing process.

22 COMMISSIONER SEGGOS: I'll try and
23 look into the testing issue. I was not aware
24 of a backlog. But that's a serious issue,

1 and we'll work on it very carefully and
2 closely with any water bodies that are
3 drinking water sources.

4 On HABS generally, this is a problem
5 that is now impacting us at an increasing
6 rate, I think due -- because in part of
7 climate change. The clean water investments
8 that we've made over the years, we've put
9 over \$220 million into priority body waters
10 around the state that have had HABS issues,
11 and trying to reduce the HABS from happening
12 in the first place.

13 Part of that is reducing septic
14 overflows. It's also hard infrastructure on
15 the wastewater side. It's also farm
16 practices and increasing buffer around
17 streams. So all of those dollars we've been
18 putting into those programs is going to help
19 us, long term, reduce the prevalence of HABS.

20 And again, I hate to push everything
21 back to the bond act, but I believe that
22 those types of resources will help us fight
23 the scourge of blue-green algae around the
24 state.

1 SENATOR SERINO: And anything you can
2 help us with, Commissioner, because I think
3 it's going to take a multi-agency effort,
4 with the Lyme and tick-borne disease, to
5 bring everybody together.

6 So thank you very much, Madam Chair.

7 COMMISSIONER SEGGOS: Happy to talk to
8 you with DOH.

9 SENATOR SERINO: Thank you,
10 Commissioner. Appreciate it.

11 CHAIRWOMAN KRUEGER: Thank you.
12 Assembly.

13 CHAIRWOMAN WEINSTEIN: Yes, we go to
14 Assemblyman Mamdani.

15 ASSEMBLYMAN MAMDANI: Thank you so
16 much, Chair Weinstein.

17 Thank you so much, Commissioner
18 Seggos, for being with us today.

19 COMMISSIONER SEGGOS: Thank you, sir.

20 ASSEMBLYMAN MAMDANI: I want to also
21 echo the words that were stated by Senator
22 Hoylman regarding the way in which your
23 conduct was towards the end of the last term.
24 Really did appreciate that.

1 I'm going to jump straight into this
2 with the short amount of time allocated.

3 So the HOPE program is a workforce
4 training program for New Yorkers 18 and older
5 with 47 percent of their students having been
6 involved in the courts, 45 percent
7 experiencing homelessness, and 43 percent
8 long-term unemployed, the very people that we
9 should be prioritizing to get back into the
10 workforce. And amidst New York State
11 receiving higher than expected tax revenue
12 and a significant amount of federal pandemic
13 aid, the Governor has still proposed
14 eliminating more than \$942,000 in
15 appropriations within DEC Aid to Localities,
16 of which 140,000 is for the HOPE program.

17 What is your opinion on this proposed
18 cut?

19 COMMISSIONER SEGGOS: I regret to say
20 I'm not familiar with the cut to the HOPE
21 program. I'd be happy to look into that and
22 educate myself. I'll reach back out to you
23 and broker a conversation on it. But I'm not
24 aware of a cut to the program. But look

1 forward to hearing from you about it
2 specifically.

3 ASSEMBLYMAN MAMDANI: Thank you very
4 much, Commissioner.

5 I just have a second question on the
6 same issue of cuts. If this is the same,
7 please do let me know. But in case you've
8 seen this, the Governor also proposed cutting
9 funding from the Peconic Bay Estuary Program
10 by \$250,000. And the estuary is cited as one
11 of the, quote, last great places in the
12 Western Hemisphere by the Nature Conservancy,
13 and one of the most important biological
14 hotspots in the state.

15 What is the justification for that cut
16 in funding?

17 COMMISSIONER SEGGOS: So as I told
18 Assemblyman Englebright, we had this
19 incredible increase to the EPF, \$100 million,
20 and it's arguably giving us the opportunity
21 to gain more flexibility in spending and to
22 eliminate having to do lines within various
23 programs.

24 We're totally dedicated to the

1 Peconic. It is an extraordinary gem, and
2 of course Plum Island being part of that.
3 Look forward to working with the Legislature
4 to ensure that you understand how we're doing
5 protective work there. And to the extent it
6 means making some adjustments in how we spell
7 that out in the EPF, we've always been
8 willing to do that.

9 ASSEMBLYMAN MAMDANI: So as of now,
10 Commissioner, is -- are you saying that that
11 cut in funding is not actually accurate and
12 that it's going to be reflected in a
13 different source of funding?

14 COMMISSIONER SEGGOS: Correct.
15 There's a lot -- it's just a carveout,
16 effectively, which would reduce the ability
17 to move monies around within the larger
18 category. And as with Adirondacks High Peaks
19 funding or Catskills funding, you know, the
20 Peconic was dropped slightly, but that
21 doesn't mean we're not going to be doing that
22 amount of work in the estuary.

23 So we can spell that out more
24 thoroughly offline for you, to show you what

1 we're up to and how our staff down in
2 Region 1 are dedicated to the Peconic.

3 ASSEMBLYMAN MAMDANI: Yeah, as long as
4 the funding stays the same, I don't think
5 there's any issue about whether it's
6 reflected in a line item or in a broader
7 amount of funding.

8 But thank you very much, Commissioner,
9 appreciate it. And I look forward to hearing
10 from you about the HOPE program.

11 COMMISSIONER SEGGOS: Great. Thank
12 you.

13 CHAIRWOMAN WEINSTEIN: Back to the
14 Senate.

15 CHAIRWOMAN KRUEGER: Thank you.
16 Senator May.

17 SENATOR MAY: Yes, thank you,
18 Madam Chair.

19 And Commissioner, great to see you.

20 COMMISSIONER SEGGOS: Great to see
21 you, Senator.

22 SENATOR MAY: I apologize because I
23 was at a couple of meetings so if this was
24 already asked, just tell me and I'll move on.

1 But the Bottle Bill, you were talking about
2 waste reduction before. I firmly believe if
3 we could expand -- make the Bottle Bill more
4 comprehensive, it would bring in a lot of
5 money to the EPF and it would be easier for
6 people to participate in.

7 So I was wondering, what are your
8 thoughts and where are we with the
9 Bottle Bill?

10 COMMISSIONER SEGGOS: Well, the
11 Bottle Bill's been a fantastic program for
12 many years, and it's supported the EPF. And
13 luckily this year the Governor is looking to
14 boost the EPF through RETT and other means.
15 But that's the EPF.

16 Certainly the Bottle Bill -- we
17 believe that the EPR program can attack some
18 of the problems that we're seeing with waste,
19 including the proliferation of plastic waste
20 and getting some of those waste streams out.

21 So my preference would be to have a
22 conversation about what's not covered by the
23 Bottle Bill within the context of EPR and
24 getting some of those waste streams minimized

1 at the source. Right? Minimized by the
2 producers and ultimately taken care of
3 through the course of EPR regulations.

4 SENATOR MAY: Okay. I know, a totally
5 different topic, we spoke on the phone the
6 other day about water infrastructure and
7 water resources. Upstate our freshwater
8 resources are a treasure and an increasingly
9 rare one, as the rest of the world dries out.
10 So I really want us to be thinking about
11 water governance and water stewardship.

12 But I would like to know about the
13 \$4 billion we've put into water
14 infrastructure over the last few years. How
15 much of that has gone to green
16 infrastructure -- for example, managing water
17 systems through green infrastructure -- do
18 you know?

19 COMMISSIONER SEGGOS: The splits I
20 don't have offhand.

21 I will note that that was one of the
22 things that we negotiated right off the bat
23 within the Clean Water Infrastructure Act,
24 was making sure that we could put those

1 dollars into source protection, because
2 ultimately that can be a lot cheaper than
3 having to do the Superfund work at the end,
4 right, doing cleanups. Or some of the great
5 infrastructure that's extraordinarily
6 expensive when you're filtering water.

7 So we'll certainly get you the
8 breakdown. I know Senator Krueger has asked
9 for the same, a breakdown of spending. But
10 the number would be significant on watershed
11 protection.

12 SENATOR MAY: And do we know how many
13 communities still have combined sewer
14 systems? Is that something we are -- that
15 that money is going to address?

16 COMMISSIONER SEGGOS: That's very much
17 been one of my targets since I took this job.
18 Unfortunately it's many communities that have
19 it. Albany has it. I look out on the Hudson
20 River every day. The Albany pool is fed by a
21 number of different sources. They're under a
22 consent order, however, to change that. New
23 York City is under a consent order to change
24 that. You see the Buffalo Sewer Authority

1 making some significant multi-hundred-
2 million-dollar investments.

3 Unfortunately the old cities all have
4 it. We're getting resources like we never
5 had to fix it. But the problem isn't fixed
6 yet. We need the sustained funding to do it.

7 SENATOR MAY: Okay. Thank you so
8 much.

9 COMMISSIONER SEGGOS: Thanks, Senator.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Assemblymember. (Pause.)

12 Assemblymember? Let's see if I can guess who
13 she -- I see Deborah Glick's hand up next, so
14 I'm going to guess it's Deborah Glick.

15 ASSEMBLYWOMAN GLICK: Yes, thank you.
16 Actually I can read off the chat that I am
17 next up.

18 Great to see you, Commissioner.

19 COMMISSIONER SEGGOS: Great to see you
20 as well.

21 ASSEMBLYWOMAN GLICK: I've got three
22 areas that I'd really like to focus on, so
23 let me give you those three.

24 COMMISSIONER SEGGOS: Okay.

1 ASSEMBLYWOMAN GLICK: One is that
2 you're supposed to protect fish and wildlife.
3 And we have a problem with our senior -- our
4 raptors that are at the top of the food chain
5 dying of lead poisoning.

6 And so as you know, we've been
7 concerned about, on state lands, using
8 non-lead ammunition so that in those areas we
9 would not at least be killing our eagles,
10 et cetera.

11 I'm wondering if there's any plan for
12 EV charging stations at DEC campsites where
13 people may, you know, be there for a week,
14 and I don't know how long the charges hold,
15 et cetera. And that might be something that
16 would be an advantage.

17 And then there's SCALE, the Survey of
18 Climate Change and Adirondack Lake
19 Ecosystems. That had been funded for a long
20 time. I think -- I'm wondering if it's going
21 to be funded. It's a survey that has
22 provided data on water quality and has been
23 used for years to demonstrate issues around
24 acid rain, and given the AG the ability to

1 use that data to protect our waters.

2 And then the last thing is I'm glad
3 there are going to be more Rangers, but I'm
4 wondering about updated equipment and
5 uniforms. I think some of the uniforms are
6 still like cotton. Which, you know, if
7 you're out hiking, you know that's not the
8 best material to be using.

9 So I'm just wondering about those
10 areas. Thank you.

11 COMMISSIONER SEGGOS: Thank you.
12 Great questions. I'll take them in order.

13 On lead shot, we're looking at that,
14 certainly. There's -- these last two years
15 there's been a scarcity of ammunition for
16 hunting, period. As a hunter, I can say that
17 for certain. But we're looking at the
18 prevalence of lead and whether or not there's
19 an affordable choice out there for the
20 hunter. I know that the lead alternatives
21 can be very expensive, but they've also been
22 unavailable. So we need to look at that very
23 closely.

24 On EV charging stations at DEC

1 campsites, when we have a campsite next to a
2 power line, we do look to -- when we're
3 making investments in the campsite we do look
4 to create charging stations. You're seeing
5 that at Frontier Town and maybe some other
6 places where we have those plans.

7 But by and large our campsites are
8 very rural, they're in the middle of the
9 wilderness, and it's often not serviced by
10 power lines, unlike Parks campsites.

11 On the survey of climate change and
12 Adirondack lakes and research there, I'd be
13 happy to follow up with you on that -- I see
14 we're almost out of time.

15 On uniforms, I've had a discussion
16 with my team here actually on that very
17 point, to make sure that our Rangers have --
18 and ECOs have the right equipment getting in
19 the backcountry in all conditions
20 weather-related. And that's been one of my
21 priorities. I mentioned that in terms of
22 retention earlier to Senator Hinchey.

23 ASSEMBLYWOMAN GLICK: Thanks so much.

24 COMMISSIONER SEGGOS: Thank you.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Back to the Senate, Senator Kaplan.

3 SENATOR KAPLAN: Thank you, Madam
4 Chair.

5 Hello, Commissioner Seggos. Good to
6 see you.

7 COMMISSIONER SEGGOS: Good to see you,
8 Senator.

9 SENATOR KAPLAN: So I was thrilled to
10 see that the budget includes \$943.5 million
11 for clean water infrastructure projects,
12 which most of the money comes from the
13 federal bipartisan infrastructure law.

14 Do you have any additional detail
15 about how this federal funding will go out
16 the door to the localities who are in
17 desperate need of this money? And will this
18 be the same competitive grant process similar
19 to the one we have in state programs like the
20 Water Quality Improvement Project grant
21 funding?

22 COMMISSIONER SEGGOS: Good question.
23 I have that question as well to the federal
24 government. We expect the funding coming

1 from the federal government to be channeled
2 through the same means as some of the state
3 revolving loan fund program dollars.
4 However, there are other pots of money that
5 are going for specific needs that have been
6 lined out by the feds.

7 We had that question, and we expect
8 those dollars to come to the state soon.
9 We're preparing for that and would marry
10 those dollars with the state dollars so that
11 we're putting an even greater amount out the
12 door in this calendar year.

13 SENATOR KAPLAN: So it will be the
14 same competitive process that --

15 COMMISSIONER SEGGOS: Likely. Yes,
16 likely.

17 SENATOR KAPLAN: Okay. So that's
18 important for us to know and let them know.

19 My next question is I'm a big believer
20 that green hydrogen will play a key role in
21 our efforts to decarbonize our power
22 generation -- heating, cooling,
23 transportation and more. For example,
24 there's an innovative new technology being

1 developed at the State Center of Excellence
2 in Energy that could dramatically reduce the
3 energy required to heat and cool homes. I
4 went and saw it for myself and it was really
5 just amazing.

6 The technology relies on natural gas
7 or hydrogen or a blend of the two. It's one
8 of many innovative new technologies that
9 utilize green hydrogen as a potentially
10 transformational tool to decarbonize our
11 state.

12 My first question is, by focusing on
13 electric-only development moving forward, as
14 proposed in the Governor's budget, are we
15 hampering our ability to find other
16 innovative solutions for our climate crisis
17 by focusing on one narrow path forward to the
18 exclusion of others?

19 And my second to that question is, is
20 the state doing any demonstration projects on
21 technologies like this to see how they can
22 work in real-world applications?

23 COMMISSIONER SEGGOS: Okay, good
24 questions.

1 So we are doing quite a bit on green
2 hydrogen. I think as you saw, the Governor's
3 made some significant announcements about
4 that in the State of the State.

5 And the posture that we're taking, of
6 course, is to hit our climate law
7 obligations. So looking at the
8 electrification angle of, you know, creating
9 the green hydrogen through a stable process
10 but also ensuring that there's no combustion
11 is a very innovative technique that we're
12 confident the market is developing.

13 In terms of demonstration projects,
14 there are demonstration projects around the
15 state, there are four efforts around the
16 state that the Governor is looking to merge
17 into one effort so that we can compete for
18 some additional federal dollars on that for
19 R&D and development.

20 I would agree with you, though, it
21 presents lots of opportunity.

22 CHAIRWOMAN KRUEGER: Thank you. I'm
23 sorry, Basil. I want to learn about this
24 too, but we're not allowed to right now. So

1 Anna will --

2 (Laughter; overtalk.)

3 CHAIRWOMAN KRUEGER: Assembly.

4 CHAIRWOMAN WEINSTEIN: We're going to
5 move to Assemblywoman Woerner.

6 COMMISSIONER SEGGOS: Okay.

7 ASSEMBLYWOMAN WOERNER: Thank you so
8 much. Thank you, Commissioner, for your
9 remarks today.

10 And gosh, I wish I could continue the
11 conversation about green hydrogen, but I have
12 other things on my mind. So perhaps
13 Anna Kaplan and I can team up on this at a
14 later date.

15 COMMISSIONER SEGGOS: Okay. Sounds
16 good, yup.

17 ASSEMBLYWOMAN WOERNER: So, one, thank
18 you so much for your positive comments about
19 the role of anaerobic digesters in our
20 renewable energy approach. I appreciate that
21 greatly.

22 Second, last year we were successful
23 at adding youth hunting into the mix. And
24 I'm wondering if you could share with us what

1 the experience has been, number of licenses,
2 how many people went through the training,
3 were there any accidents or, God forbid,
4 fatalities as a result of this.

5 COMMISSIONER SEGGOS: Anecdotally,
6 everything I've heard has been very positive.
7 That the youth hunting season was safe, there
8 were no incidents in the field, we had an
9 increase in license sales, we had lots of
10 happy kids. I had lots of people emailing me
11 telling me that they'd gone out with their
12 son or daughter for those very formative
13 years, 12 and 13. That's really when you
14 want to get them.

15 So thank you for helping us to advance
16 that and to show the state really that this
17 can be done safely and we can use it as a
18 tool to keep kids engaged in nature.

19 ASSEMBLYWOMAN WOERNER: Thank you very
20 much. I'm glad to hear that that's all very
21 positive news.

22 Someone asked earlier about harmful
23 algal blooms and support for water management
24 and invasive species in our lakes. And I'm

1 wondering if in the course of all of this and
2 the new monies that are coming in to help
3 with water quality, one of the groups that is
4 frequently left out of the mix are volunteer
5 lake associations that step up to manage
6 invasive species and manage water quality in
7 our recreational lakes.

8 And is there anything in the budget
9 that would help direct monies to these
10 organizations that are really doing great
11 work to try and control invasive species but
12 it's an expensive proposition and one that's
13 hard to do consistently with volunteer labor
14 only.

15 COMMISSIONER SEGGOS: Great question.
16 And on this, the good news is there's more
17 money in the budget for water, right, through
18 a variety of means. And the other good news
19 is I think we can help lake associations more
20 effectively compete for those dollars if they
21 come to us earlier and we're able to help
22 steer them into the municipalities, right, so
23 that the municipalities can effectively apply
24 on their behalf, knowing that many of the

1 lake associations don't have good funding or
2 expertise, necessarily, but they have the
3 right intent.

4 So we remain open to helping to steer
5 those conversations in the right way so those
6 really important projects get funded.

7 ASSEMBLYWOMAN WOERNER: Thank you. If
8 you could -- if in the context of this budget
9 we could more crisply define the role of
10 these volunteer lake associations, I think
11 that would be helpful.

12 COMMISSIONER SEGGOS: Okay.

13 ASSEMBLYWOMAN WOERNER: Thank you very
14 much.

15 COMMISSIONER SEGGOS: Thank you.

16 CHAIRWOMAN WEINSTEIN: To the Senate.

17 CHAIRWOMAN KRUEGER: Thank you. I
18 believe I'm the closing Senator.

19 Just quickly, this was brought up in
20 the energy section earlier, but I would like
21 your opinion, Basil.

22 So the Executive Budget requires new
23 gas hookups be phased out of new construction
24 no later than '27, 2027. But New York City's

1 new law would ban gas hookups for smaller
2 buildings by the end of 2023. What's wrong
3 with our going to the target of 2023? We
4 obviously wouldn't be doing every building
5 right away. But isn't there a logic to
6 wanting to get this started sooner than
7 later?

8 COMMISSIONER SEGGOS: So it's a good
9 question. And I heard the exchange this
10 morning. I don't know that we have -- or I
11 have the expertise necessarily to give you an
12 answer that would add anything more than what
13 you already heard this morning on it.

14 The Governor has made it clear that we
15 want to make our housing stock more
16 sustainable. Right? The largest source of
17 emissions right now is housing. We thought
18 it would have been transportation, but a
19 deeper dive revealed that it was housing. So
20 we want to do everything we can as quickly as
21 we can, to the extent that the housing stock
22 is available and the technology is available
23 and the money is available to do that.

24 So I'll leave it at that. But

1 certainly looking forward to a more robust
2 conversation over the course of the next few
3 months, with the scoping plan, on this very
4 point.

5 CHAIRWOMAN KRUEGER: Also, clock
6 keeper, I was only getting three minutes --
7 oh, I actually would get 10 minutes. Nope,
8 never mind, but I'm not going to use it. I'm
9 just going to ask one more question of
10 Commissioner Seggos.

11 So plastics, Styrofoam. We've been
12 doing a lot of outlawing of it, but I keep
13 reading data that we're not actually getting
14 better. Do you have data on what parts of
15 the state this is working in better than
16 others, and why, and what more we can do?

17 COMMISSIONER SEGGOS: Well, again, we
18 only have a few weeks worth of work on this,
19 right. We banned Styrofoam and have not yet
20 gotten enough visibility into how successful
21 the program has been thus far. We expect it
22 has been, but we are looking at input from
23 actors around the state who can let us know
24 how covered entities are in compliance.

1 I couldn't tell you, unlike plastic
2 bags -- I can tell you with plastic bags I
3 have anecdotally just seen less of them
4 blowing around the street. It's perhaps
5 early to talk about whether or not we're
6 seeing less Styrofoam cups blowing around the
7 street.

8 But, you know, we're in this education
9 phase and we want to make sure that, one,
10 when we're really rolling that there's a
11 significant amount of enforcement going on if
12 there is noncompliance.

13 CHAIRWOMAN KRUEGER: Thank you. I'm
14 going to give back my time.

15 But Assemblywoman, I have seen another
16 Senator, so keep going with your next
17 Assemblymember.

18 CHAIRWOMAN WEINSTEIN: Okay. So
19 Assemblyman Otis is next.

20 ASSEMBLYMAN OTIS: Thank you,
21 Commissioner. I want to thank you, after
22 Ida, how great DEC staff has been in terms of
23 some of the flood issues that we have in
24 Westchester. Your folks have been hands-on

1 and really trying to get us to a better place
2 before we have the next storm. So kudos to
3 your deputies and your regional director.

4 COMMISSIONER SEGGOS: Thank you. I'll
5 let them know.

6 ASSEMBLYMAN OTIS: Absolutely.

7 On the flooding issue, one of the
8 things that was revealed in Ida was how weak
9 many of our municipal stormwater systems are.
10 And we do have a stormwater category in the
11 bond act. And I look forward with DEC to
12 find ways that we can grow the financial
13 commitment towards giving municipalities
14 assistance on stormwater funding, because
15 this is really one of the failures that was
16 revealed in Ida, is how vulnerable we are in
17 these larger storm events. So that would be
18 of great help.

19 You have played a key role working
20 with -- on the Climate Action Task Force, and
21 we have the draft recommendations. And we
22 have within the Legislature many proposals --
23 some of them sort of conflict with each
24 other. There still needs to be a

1 rationalization of where we're going for the
2 next step of our climate change policies.

3 Could you share any thoughts of how
4 you think the next few months should go in
5 terms of those discussions and the role that
6 DEC will play to resolve some of those issues
7 and get us to the next stage?

8 COMMISSIONER SEGGOS: Great -- great
9 question. We've tried very hard to herd
10 cats, and it really almost has been that,
11 right, with the 22-member Climate Action
12 Council. Doreen and I cochair it. We've got
13 representation from many other state agency
14 commissioners as well as experts from the
15 field, and then we've had really I think 120
16 different experts outside.

17 So now we have a 300-plus page
18 document full of recommendations that will
19 help bring us to our climate targets, 2030,
20 2050. And we do have to reconcile all of the
21 recommendations. Obviously it doesn't need
22 to be said -- but I think you know it --
23 these are preliminary recommendations.
24 Right?

1 We are sending a set of
2 recommendations out to the community that --
3 to the state that we believe would help us
4 hit those targets, but we need to hear, first
5 and foremost, from the public, we need to
6 take it to the public and share the thoughts
7 with them. And then to the extent that any
8 of those programs are to become regulation or
9 law, that would then trigger another public
10 process.

11 And all the while with the Climate
12 Action Council continuously harmonizing it
13 with other programs so that we're pulling
14 everything in the same direction and ensuring
15 that no other -- no community is being left
16 behind.

17 ASSEMBLYMAN OTIS: Thank you,
18 Commissioner. Thank you for your good work
19 on many fronts.

20 COMMISSIONER SEGGOS: Thank you,
21 Assemblyman.

22 CHAIRWOMAN WEINSTEIN: Back to the
23 Senate.

24 CHAIRWOMAN KRUEGER: Thank you.

1 I see that Senator Palumbo had raised
2 his hand late in the game.

3 SENATOR PALUMBO: Thank you, Madam
4 Chair.

5 Commissioner, good to see you again.

6 COMMISSIONER SEGGOS: Likewise,
7 Senator.

8 SENATOR PALUMBO: You don't even look
9 cold, in 10 degrees like you were last week.

10 So I'll move nice and quick. I just
11 have really two areas of discussion, please,
12 regarding the law enforcement side. I know
13 there have been some staffing stresses in
14 Region 2, and maybe even some recruitment
15 issues for downstate.

16 So my question is, are there any
17 policies that you're implementing to help
18 increase staffing, possibly, as a result of
19 those vacancies?

20 COMMISSIONER SEGGOS: Yes, good
21 question.

22 So on the law enforcement front, we
23 are holding an academy soon that will help to
24 fill our ranks and slightly increase our

1 numbers. My hope is that I can come back to
2 you next year with another academy planned.
3 So that's good on the academy side.

4 In terms of the -- on the retention
5 side, and where we dedicate our officers, we
6 do have a new -- a director of law
7 enforcement. One of her -- the first woman
8 in the job to have this job, which is great.
9 one of her missions is to focus our work very
10 significantly in urban areas, and that of
11 course means New York City. Not to the
12 detriment of any of our hunting and fishing
13 obligations upstate, or any of our pollution
14 enforcement upstate, but there are 8
15 million-plus people down in the New York City
16 area and a significant need for us to be
17 present.

18 So -- and that, by the way, will help
19 us with retention, right, if we are more
20 present where the people are, demonstrating
21 the great services that our agency does, I am
22 confident that is going to generate enormous
23 interest in folks joining this agency, and
24 especially increasing our diversity within

1 our police forces.

2 So it's very much underway right now.
3 Hopefully -- I hope to have something more
4 positive to report out by summer.

5 SENATOR PALUMBO: Wonderful, that's
6 great to hear. Thank you.

7 The other one, on the renewables side.
8 There's a very large project proposed in
9 Senate District 1, offshore wind. I've heard
10 concerns regarding pollution as far as
11 disruption of the seabed, and ensuring
12 wildlife, and fishermen, the commercial
13 fishing industry have concerns.

14 So do you have any comments in that
15 regard, any proposed mitigation that we could
16 I guess publicly discuss and address in
17 45 seconds?

18 COMMISSIONER SEGGOS: Okay. Good
19 question. It's certainly top of my mind. We
20 are an active partner of NYSERDA on this, and
21 we have been really since the federal
22 government started looking at this back in
23 2014 and, you know, deciding what these areas
24 would be and how to protect species, how to

1 protect the commercial fishing industry, the
2 recreational industry.

3 So it's very much on my mind, and
4 we'll continue to be monitoring as to -- to
5 the extent there's any construction in state
6 waters, we'll be monitoring any of the
7 impacts and suggesting adjustments as needed.
8 I'm confident that NYSERDA understands that,
9 that our partners at the Department of State
10 understand it, and that ultimately, you know,
11 we're generating a robust industry that
12 responds responsibly when they do this
13 construction.

14 SENATOR PALUMBO: Wonderful. Thank
15 you, Commissioner.

16 COMMISSIONER SEGGOS: Thank you,
17 Senator.

18 CHAIRWOMAN WEINSTEIN: So we are going
19 to Assemblyman Burdick. I believe the Senate
20 is all finished, so we're going to go through
21 a number of Assemblymembers now.

22 Assemblyman Burdick.

23 ASSEMBLYMAN BURDICK: Thank you,
24 Chair Weinstein.

1 And thank you, Commissioner, for the
2 good work that you and your staff do.

3 COMMISSIONER SEGGOS: Thank you.

4 ASSEMBLYMAN BURDICK: I commend the
5 Governor and your department for including
6 the Article 7 on wetlands, so important to
7 clean water and flood control. And obviously
8 we've discussed how the state makes a great
9 investment in clean water and dealing with
10 floods, and so the health of the wetlands is
11 critical to us.

12 I'm concerned about wetlands
13 throughout the state, including in my
14 district, and at present localities are
15 preempted from regulating herbicides and
16 pesticides in wetlands. I've had initial
17 conversations with your staff about crafting
18 changes that would comply with federal law,
19 and I just ask that you please talk with your
20 staff about that and would consider being
21 open to considering changes in it through
22 perhaps a 30-day amendment.

23 COMMISSIONER SEGGOS: Okay, I
24 certainly will follow up with my staff on

1 that.

2 ASSEMBLYMAN BURDICK: Appreciate that.

3 COMMISSIONER SEGGOS: Absolutely.

4 ASSEMBLYMAN BURDICK: And I also
5 understand from Senator Schumer that the
6 Infrastructure Act includes funds for
7 wastewater treatment, and clearly not all of
8 those federal funds have made their way to
9 the state yet. And I know that you show in
10 your budget \$650 million for water quality
11 improvement project funding. Do you see the
12 possibility of that level increasing as fed
13 funds are released?

14 And also same question mid-budget with
15 respect to the bond act.

16 COMMISSIONER SEGGOS: Certainly yes on
17 the federal side. We expect to receive
18 federal funds this fiscal year, possibly even
19 the fiscal year that we're currently in, and
20 would look to augment any of the projects we
21 do in the field with those federal dollars.
22 So that would be certainly a net benefit for
23 New York State.

24 ASSEMBLYMAN BURDICK: That's great.

1 I also wanted to endorse Steve Otis's
2 request for focus on addressing stormwater
3 systems. He and I have adjoining districts,
4 and floodwater -- I mean stormwater systems.

5 Earlier today I'd asked NYSERDA's
6 President Harris whether they collaborate
7 with other state agencies to set CLCPA goals
8 and who follows through, and she replied
9 that, Well, every agency has got CLCPA
10 obligations. My concern is, who's in charge
11 of the overall? Who makes sure that all of
12 the agencies are doing everything that they
13 ought to be doing to address climate change
14 and the crisis?

15 And could you address that, because
16 I'm concerned about an overall approach and
17 coordination.

18 COMMISSIONER SEGGOS: Thank you for
19 asking that.

20 Well, obviously the Governor is in
21 charge of all the state agencies, and we're
22 all pulling in the same direction. I think
23 one thing that -- one great positive that has
24 come out of the Climate Action Council

1 process is giving the expectation to multiple
2 state commissioners to be a part of this
3 process over the last two years. That's
4 brought climate thinking into all of the
5 major state agencies now, and it's helped to
6 coordinate our thinking quite a bit better
7 than ever before.

8 So we have a real opportunity, I would
9 agree, to ensure that we're hitting our
10 carbon reduction targets. But in the
11 process, you know, making government more
12 accountable and making the state ultimately
13 more sustainable. So that's something I have
14 no doubt will continue over the course of the
15 next year during this public comment period.

16 CHAIRWOMAN WEINSTEIN: Thank you. Now
17 we send it back to the Senate.

18 ASSEMBLYMAN OTIS: Thank you very
19 much. Appreciate it.

20 COMMISSIONER SEGGOS: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 We had another Senator pop up,
23 Senator John Liu.

24 SENATOR LIU: Thank you, Madam Chair,

1 for allowing me to pop up.

2 And great to see you, commissioner. I
3 do echo the sentiments of some of my
4 colleagues about your performance in
5 difficult times, and also your dedicated
6 staff.

7 COMMISSIONER SEGGOS: Thank you.

8 SENATOR LIU: Just a couple of
9 questions I have, and you can give me short
10 answers on these.

11 COMMISSIONER SEGGOS: Okay.

12 SENATOR LIU: One is you've already
13 been asked a lot about Superstorm Ida and the
14 aftermath. We have, in my area in Queens --
15 unfortunately, we have had people drown in
16 their own homes, which is the most horrific
17 thing anybody could imagine. There are
18 families whose homes are, for all intents and
19 purposes, uninhabitable because of the -- not
20 only what happened with Ida, but the constant
21 threat of rainstorms and floods. And they
22 don't even live anywhere near the coast.

23 So one thing that's been talked about
24 is buying out some of these families. Does

1 the DEC have any kind of analysis or position
2 on potential buyouts of individual homes by
3 the state?

4 COMMISSIONER SEGGOS: Good question.

5 We were successful, after Superstorm
6 Sandy, in doing that on Staten Island, where
7 we recognized a real need. And my
8 understanding of the some of the language of
9 the bond act is that it does acknowledge the
10 need for buyouts in certain areas, so that we
11 would look forward to focusing on some of
12 your problems in your district.

13 Because there's no doubt about it,
14 that was a horrible situation with that
15 basement flooding that had gone on.

16 SENATOR LIU: All right, thank you.
17 Yeah, there are a number of homes that -- you
18 know, it's -- it seems like a large taxpayer
19 expense, but we have to balance that against
20 the continuing taxpayer expense of having to
21 continually remediate these areas with
22 physical infrastructure. Those are costly
23 items as well.

24 I have a proposal to ban gas-powered

1 lawn equipment, including leaf blowers. Has
2 the DEC done anything with regard to
3 gas-powered leaf blowers and potentially
4 curtailing the use of such?

5 COMMISSIONER SEGGOS: I'd have to
6 check with my staff to see what kind of data
7 we have. We know that that's become an issue
8 statewide with the prevalence of gas-powered
9 equipment, particularly in urban areas and
10 densely populated suburban areas.

11 So we'd love to work with you on that.
12 I've been approached by some stakeholders
13 about it as well who have been echoing some
14 concerns about that and the impact of those
15 emissions as well as the noise. And why
16 don't we take that offline and have a
17 conversation about it?

18 SENATOR LIU: Okay.

19 And my last question has to do with
20 New York City's performance in storm
21 drainage. The city has installed a large
22 number of what they call rainwater gardens
23 or -- they've called them different things in
24 different -- during different times. But

1 they are essentially catch basins that are
2 minigardens where the soil is permeable by
3 rainwater.

4 Does this -- has the DEC looked at how
5 well the city has performed with regard to
6 removing this rainwater runoff?

7 COMMISSIONER SEGGOS: We do look at it
8 regularly as part of a consent order,
9 actually, is for them to do some grade
10 infrastructure around the city, not just that
11 traditional end-of-pipe infrastructure.

12 I see that we're out of time, but we
13 can brief you on our analysis of that. And
14 my impression, just in short, is that it has
15 been mostly successful at redirecting some of
16 those waters away from storm sewers and into
17 green spaces.

18 CHAIRWOMAN KRUEGER: Thank you.

19 SENATOR LIU: Thank you.

20 CHAIRWOMAN KRUEGER: And I'm sure
21 John Liu would like a follow-up with you.

22 COMMISSIONER SEGGOS: We'll do that.

23 SENATOR LIU: (Inaudible.)

24 CHAIRWOMAN KRUEGER: The Senate is now

1 closing down, Helene, so to the Assembly.

2 CHAIRWOMAN WEINSTEIN: Okay. So I see
3 that our chair of Tourism, Daniel O'Donnell,
4 has joined us.

5 But we go to Assemblyman Epstein for
6 three minutes.

7 ASSEMBLYMAN EPSTEIN: Thank you.
8 Thank you, Helene.

9 And Commissioner, always good to see
10 you.

11 COMMISSIONER SEGGOS: Good to see you
12 as well.

13 ASSEMBLYMAN EPSTEIN: Since in my
14 district, Stuy Town, they're trying to put in
15 two CHP plants. We've raised concerns around
16 this for the past year and a half. I want a
17 commitment that before anything moves
18 forward, that we can talk about the CLCPA
19 goals and concerns that we have on that
20 plant.

21 COMMISSIONER SEGGOS: Absolutely.
22 You've got my promise on that. And I've
23 requested that information, actually, from
24 the company as well.

1 ASSEMBLYMAN EPSTEIN: Thank you very
2 much.

3 And so I just wanted to follow up on
4 Chair Englebright's comments around the money
5 in the EPF for charging. I know you said
6 you'd talk to us more. I think this is a
7 critical place where we can get real
8 resources, so I'm glad to hear that.

9 But really following up, I want to
10 know why -- I hope that we get a commitment
11 from you and the state to only buy EV or
12 hydrogen or, you know, renewable vehicles.
13 Why are we not committing to doing that now,
14 and why are we waiting to continue to buy
15 non-renewable cars or trucks or whatever's in
16 the market?

17 COMMISSIONER SEGGOS: For the state
18 fleets, right?

19 ASSEMBLYMAN EPSTEIN: For the state
20 fleet. Like I understand with the private
21 market we've got to give people time. But
22 for the state fleet, why not tomorrow or when
23 we buy cars next year? Because we're going
24 to have to buy cars every year. Let's just

1 make them all, you know, EV.

2 COMMISSIONER SEGGOS: Right. I know
3 the Governor has made a commitment for that
4 in the budget, that by a date certain, I
5 believe by 2035, there will be no light-duty
6 vehicles, at least, being driven that are
7 gas-powered.

8 We want to accelerate that as much as
9 possible. We have that underway at DEC, and
10 I know OGS does as well.

11 ASSEMBLYMAN EPSTEIN: Why can't we
12 commit right now to say every future purchase
13 of light vehicles will only be EV? Why not
14 just do that now? And then over 10 years we
15 can transition.

16 COMMISSIONER SEGGOS: Well, it's a
17 fine goal. I'd need to make sure it was
18 attainable. As an EV owner myself, I've
19 become very comfortable driving it long
20 distances, and I no longer have that
21 so-called range anxiety. So perhaps my own
22 experience can help inform how we manage that
23 program here in New York.

24 ASSEMBLYMAN EPSTEIN: Well, I hope we

1 could continue this conversation, because I
2 think we can't wait 10 years. I think we've
3 got to move now.

4 COMMISSIONER SEGGOS: Okay. No, I'd
5 love to. Let's keep talking about it.

6 ASSEMBLYMAN EPSTEIN: Two things.
7 Just on the bags, we still see places in
8 New York City where they're still just giving
9 away these plastic bags. What are you doing
10 to stop that?

11 COMMISSIONER SEGGOS: Well, we're
12 enforcing. We have about a million
13 businesses around the state that are covered
14 by the law. We've gotten about 800
15 complaints about noncompliance, which is a
16 pretty good rate, you know. We both see on
17 our own, and we take some of that out from
18 public reporting.

19 Nonetheless, you know, we jump in when
20 we see a problem. We've assessed fines.
21 We've got several businesses under consent
22 order. And some of them just refuse to
23 comply, so it just is an unfortunate
24 situation where our enforcement starts

1 picking up.

2 ASSEMBLYMAN EPSTEIN: So you know I'm
3 almost out of time, but just on solid waste
4 management, I really think we've got to push.
5 You know, the digesters are great, but we
6 need composting, we need a mandatory
7 composting system. I hope we can continue to
8 talk about composting --

9 CHAIRWOMAN WEINSTEIN: You are
10 actually out of time.

11 ASSEMBLYMAN EPSTEIN: Thank you,
12 Chair, I'm out of time.

13 CHAIRWOMAN WEINSTEIN: So we will move
14 on to Assemblywoman Kelles.

15 ASSEMBLYWOMAN KELLES: Thank you so
16 much. I second everything my colleague
17 Harvey Epstein just said, and I run into
18 speed-dating mode.

19 Hello, Commissioner, great to see you.

20 COMMISSIONER SEGGOS: Great to see
21 you.

22 ASSEMBLYWOMAN KELLES: Absolutely.

23 So five questions. Let's see how much
24 we can get in.

1 One, we've spoken regularly about the
2 concerns of the rapidly increasing
3 cryptocurrency mining industry. And given
4 the lack of any intervention to date, we're
5 expecting about 1.6 gigawatts to be up and
6 running by the end of this year, with much of
7 it being on the grid, which means that it
8 will increase our baseload.

9 And so I'm wondering if you could just
10 give any input on whether you think that this
11 can continue and reach our climate goals,
12 that we can put in enough renewable energy,
13 and any suggestions of the path forward over
14 the next year while this is happening.

15 COMMISSIONER SEGGOS: Well, I
16 certainly share your concerns. I've said
17 that publicly in regards to the
18 Greenidge Plant and its potential
19 implications regarding our climate law. And
20 of course you look at other applications that
21 also use the proof of work, it is -- presents
22 real questions for emissions as well as our
23 ability to hit those targets.

24 So we are thinking about that. We're

1 talking regularly with our partners in
2 government, various state agencies that all
3 have a hook on this. DEC's jurisdiction is
4 relatively limited, as you know --

5 ASSEMBLYWOMAN KELLES: Yup.

6 COMMISSIONER SEGGOS: But we recognize
7 the problem with this nascent and expanding
8 industry. Certainly recognize also that on
9 the business side it can provide some
10 significant job growth in the state.

11 But my concern is for climate
12 emissions and ensuring that we have a
13 responsible energy generation system.

14 ASSEMBLYWOMAN KELLES: Right. So I'm
15 not sure I agree with the job creation on
16 that point, but we can talk about that
17 afterwards.

18 COMMISSIONER SEGGOS: No, on the
19 business side, not on the -- at the mining
20 side, right.

21 ASSEMBLYWOMAN KELLES: Absolutely.
22 And then just jumping to HABS really quickly,
23 we've seen actually a doubling of HABS in our
24 area and doubling of the duration. You had

1 mentioned investments. Can you just point
2 out where in the budget and how much is
3 invested each year on HABS to do prevention
4 work?

5 COMMISSIONER SEGGOS: Sure, good
6 question.

7 Since 2019 we've put about
8 \$220 million into HABS prevention. And that
9 involves addressing some of the root causes
10 of HABS in significant watersheds where you
11 see them. So it is very much part of where
12 we're going with our EPF dollars and also the
13 bond act dollars.

14 ASSEMBLYWOMAN KELLES: Wonderful.
15 Thank you.

16 And just really quickly, earlier you
17 noted that 53 percent or 63 percent of water
18 infrastructure funds have benefited EJ
19 communities. This is the first time I'm
20 hearing about it. Can you clarify that this
21 is referring to grant funding --

22 COMMISSIONER SEGGOS: Yes.

23 ASSEMBLYWOMAN KELLES: -- from the
24 Clean Water Infrastructure Act?

1 And secondly, could you commit to
2 provide a breakdown on how much funding has
3 been awarded by each of the dozen programs
4 funded through the Clean Water Infrastructure
5 Act? We haven't gotten any input from that
6 since it was established in 2017.

7 COMMISSIONER SEGGOS: Yes. So the
8 number I put out earlier, 53 percent, that's
9 out of the WQ Act as an example, out of the
10 WQIP grants that we just put out. That's
11 actually EPF-funded. Last year 145.6 million
12 went to EJ communities out of a total of
13 272.4. So that's 53 percent.

14 And I haven't done the math yet on the
15 Clean Water Infrastructure Act. We can
16 absolutely do that breakdown and get it to
17 you.

18 CHAIRWOMAN WEINSTEIN: Thank you. We
19 move on to Assemblyman Tague.

20 ASSEMBLYWOMAN KELLES: Thank you.

21 COMMISSIONER SEGGOS: Thanks.

22 ASSEMBLYMAN TAGUE: Good afternoon,
23 Commissioner.

24 COMMISSIONER SEGGOS: Good afternoon,

1 Assemblyman.

2 ASSEMBLYMAN TAGUE: It's always a
3 pleasure to speak to you.

4 COMMISSIONER SEGGOS: Likewise.

5 ASSEMBLYMAN TAGUE: I'm going to take
6 it easy on you today, sir. I'm actually
7 going to just throw some plugs out there.

8 I'm going to remind you of what
9 Senator Hinchey said earlier -- as you know,
10 her and I share much of the Catskill area --
11 Forest Rangers, Forest Rangers, Forest
12 Rangers. Especially during the pandemic, we
13 had much more people visiting the Catskills
14 and we did have a couple of instances where
15 your good Forest Rangers saved some lives.

16 COMMISSIONER SEGGOS: Yes, you did.

17 ASSEMBLYMAN TAGUE: So we're going to
18 continue to beat the drum.

19 The other thing, I just want to throw
20 a plug out there too to keep in mind -- I
21 know there's legislation that Senator Hinchey
22 has in the Senate and Assemblywoman Aileen
23 Gunther has in the Assembly that would give
24 us a full-time coordinator at the Catskill

1 Center. I think that's very big for our
2 area.

3 And, you know, every year we have this
4 discussion. I just want to remind you of all
5 the good work that your folks in construction
6 have done throughout the state, but mainly in
7 my district in the Catskills and Kaaterskill
8 Falls. I'm hoping that we're continuing to
9 fund maintenance in our budget for all these
10 great projects that your folks have
11 completed.

12 And then one other last thing I just
13 want to keep in mind. You know, regardless
14 of what happens with electric vehicles and
15 the CLCPA, we still have to have
16 infrastructure in our state and we still have
17 to have good, safe roads and bridges. And
18 it's been very, very tough in the State of
19 New York to permit material-producing plants,
20 whether it be asphalt, concrete or
21 aggregates.

22 I want to just remind everybody that
23 these are necessity products. And if we're
24 going to keep up with the rest of the country

1 with infrastructure, we need to keep in mind
2 that it's very, very hard for these people to
3 permit. And it's also very hard for them
4 sometimes to move their operations forward
5 and to keep up. I think that the industry
6 itself has done a good job keeping up with
7 the environmental changes that have happened
8 throughout the state, but we must keep in
9 mind that without them, our infrastructure is
10 going to go backwards.

11 So with that, Commissioner, I would
12 like to hopefully get our 15-minute time
13 together like we usually have just to go
14 through district stuff -- I know at your
15 convenience, you're busy. I appreciate
16 everything that you and your staff do, and it
17 was a pleasure talking to you today. Thank
18 you, sir.

19 COMMISSIONER SEGGOS: Likewise, sir.
20 I take your words to heart, and let's make it
21 30 minutes or more.

22 ASSEMBLYMAN TAGUE: Thank you. Thank
23 you, Commissioner.

24 CHAIRWOMAN WEINSTEIN: Thank you, and

1 we'll go to Assemblywoman Hyndman.

2 (Pause.) Alicia, are you here? While
3 we -- let's see. I think -- Alicia? Okay,
4 here you are.

5 ASSEMBLYWOMAN HYNDMAN: I'm sorry, I'm
6 here. I'm here.

7 CHAIRWOMAN WEINSTEIN: Okay, you're
8 on.

9 ASSEMBLYWOMAN HYNDMAN: I'm sorry
10 about that.

11 I would just -- hello, Commissioner.

12 COMMISSIONER SEGGOS: Hello,
13 Assemblywoman.

14 (Overtalk.)

15 ASSEMBLYWOMAN HYNDMAN: -- to lighten
16 up the mood.

17 I -- to double back on what Senator
18 John Liu was talking about, I also represent
19 the community that was affected by Hurricane
20 Ida. And so I know now that there's a lot of
21 groundwater issues that Chair Englebright
22 knows very well that are in Southern Queens.

23 COMMISSIONER SEGGOS: Mm-hmm. Yes.

24 ASSEMBLYWOMAN HYNDMAN: And we found

1 out that those homes historically have been
2 built over a pond. Therefore, the damage
3 that has been sustained by these homes -- you
4 just -- you should see, the walls are caving
5 in on foundations of these homes.

6 So I would really like to just
7 highlight that the Executive Budget's
8 proposal for \$400 million is not just -- it's
9 water you can see and it's the groundwater
10 levels that are increasing tremendously and
11 need to be monitored. So I will also be
12 sending a report from the USGS about the
13 groundwater issues that are constantly
14 occurring and getting worse in Southern
15 Queens. That was the first comment.

16 COMMISSIONER SEGGOS: Be happy to look
17 at that.

18 ASSEMBLYWOMAN HYNDMAN: Yup,
19 absolutely.

20 And the second thing is one of the
21 bullets of the Climate Action Council is the
22 Advanced Clean Truck Rule, obviously. And I
23 would like to know your views on moving cargo
24 and so forth by rail and/or water because of

1 existing rail lines that we have. I happen
2 to have a district that has two major
3 facilities for waste transfer stations. We
4 are trying to motivate the use of rail
5 instead of trucks, because it will take a
6 while before all these trucks that are
7 transporting can go to electric, but in the
8 meantime we have the ability to use rail.

9 And, you know, we are a coastal state,
10 and using water, looking at those avenues of
11 moving cargo around the State of New York --
12 and I didn't see anything of that in the
13 scoping plan. So I wondered if that had been
14 discussed at all.

15 COMMISSIONER SEGGOS: Great question.
16 We actually have discussed that quite a bit,
17 the preference for anything but trucking.
18 Right? You can make the trucks cleaner,
19 which is good, but ultimately getting --
20 reducing the amount of waste, if it's a waste
21 issue, or moving product by rail can be far
22 more efficient.

23 So it's really an all-of-the-above.
24 Love to understand, you know, what issues are

1 confronting the district in terms of rail to
2 see what we can do to build that thinking a
3 bit more effectively into the scoping plan.
4 That is a positive goal.

5 Mind you, you know, we are somewhat
6 limited in how we are able to regulate rail.
7 It is a very strongly federally regulated
8 method of transport. But that doesn't mean
9 we can't conceive of better interconnections
10 and incentivize that kind of movement.

11 ASSEMBLYWOMAN HYNDMAN: Okay. I look
12 forward to discussing that with you.

13 Thank you, Chair Weinstein.

14 COMMISSIONER SEGGOS: Okay, we'll
15 reach out to you. Thank you.

16 ASSEMBLYWOMAN HYNDMAN: Thank you.

17 CHAIRWOMAN WEINSTEIN: We go next to
18 Assemblyman Palmesano.

19 ASSEMBLYMAN PALMESANO: Yes, good
20 evening, Commissioner.

21 COMMISSIONER SEGGOS: Good evening.

22 ASSEMBLYMAN PALMESANO: A couple of
23 comments, and then I'll have my question.

24 The first thing is the same thing I

1 said to President Harris this morning
2 relative to the scoping plan comment period.
3 I firmly believe we need to extend that
4 period beyond 120 days. That's not enough
5 time to deal with this, given the
6 far-reaching impact this is going to have on
7 our whole state in the transition to this
8 energy system. So we need more time -- I
9 would say a year if not nine months minimum.

10 The other thing I wanted to talk about
11 briefly -- and hopefully you can comment back
12 at another time -- I think the CAC should be
13 talking about this, because there's a lot of
14 talk about electric vehicles, celebrating how
15 we need to get more electric vehicles on the
16 road.

17 But understanding that, this mining
18 for these rare-earth materials has an
19 environmental and a human impact. A number
20 of people are talking about having electric
21 cars, but there's a good chance that electric
22 car you have has cobalt in it, and there's a
23 good chance that, since 70 percent of the
24 cobalt comes from the Republic of Congo, that

1 car you're driving was made by child labor
2 and that those kids are dying over there,
3 they're being maimed. There's no -- with
4 mining collapses there's no checks, there's
5 lawsuits on that.

6 I think that's something that we have
7 a responsibility to, you know, talk about.
8 We talk about economic and climate justice
9 for these disadvantaged communities. These
10 people are being exploited, these kids. And
11 it's just another reminder that -- and
12 especially with water contamination as
13 well -- that green is not always green. So
14 we need to keep that in consideration as we
15 move forward. So I'd like to have your
16 comments down the road, maybe something in
17 writing from the CAC.

18 What I did want to ask you a question
19 on specifically was on reliability. I know
20 there's a clause in the CLCPA that says if
21 reliability is questioned, then you could put
22 the brakes on a pump. And I think you really
23 need to start taking a look at that. I know
24 we cannot sacrifice reliability just to say

1 we're green. I mean, I think from what I'm
2 seeing from the CAC is that you're willing to
3 sacrifice affordability and cost to pump
4 {unintelligible}, but we can't do it with
5 reliability.

6 And certainly the NYISO -- which is
7 responsible for making sure the grid, our
8 energy supply is reliable, so the lights stay
9 on, so the heat stays on -- came out with a
10 report showing that we're not going to
11 meet -- we don't have enough supply, where
12 the plan shows a gap of 15 to 25 gigawatts of
13 electricity production by 2040 -- that's
14 10 percent of our state's electricity needs,
15 according to the NYISO. And this gap is
16 enough to power every home in the state and
17 is equal to 10 hydroelectric or nuclear power
18 plants.

19 How are you going to address the
20 reliability problems -- which have been
21 pointed out time and time again -- with going
22 green and not having that reliability factor?
23 This is a critical issue and it needs to be
24 addressed.

1 COMMISSIONER SEGGOS: Thank you for
2 raising that. I know you had a robust
3 discussion about that this morning. And we
4 certainly, as when we are involved in any
5 permitting decisions that involve peakers,
6 for example -- I mean, our first
7 conversations are with NYISO, NDPS, to ensure
8 that our permit decisions take that into
9 account. That will be how we operate under
10 the CLCPA as well.

11 And to the extent any of those
12 recommendations involve changing the way we
13 do business, and I think they will, we would
14 take reliability very firmly into account.

15 So I look forward to engaging with you
16 on the other points you've raised, certainly,
17 about the impacts of extractive mining in
18 other parts of the world. Of course I think
19 about that every time I get in my EV and
20 every time I pick up my cellphone. There are
21 costs to what we demand.

22 And by the same token, you know, the
23 extractive industries of oil and gas mining
24 around the world produce enormous problems

1 and have, in the course of the last few
2 months, even tied up shipping in the Port of
3 Los Angeles with spills and whatnot.

4 So it's -- all of the energy
5 extraction techniques have costs, and we have
6 to be honest with ourselves about the best
7 ways in which to incentivize the energy
8 production of the future. And I think, not
9 to spend too much time on EPR, but if we can
10 better recycle the products we use within our
11 batteries, our EV batteries, when they're
12 rechargeable batteries, we prolong the life
13 of those elements here in the state. And
14 that's exactly what we're trying to get at
15 with EPR.

16 We can absolutely have a conversation;
17 I'll reach out to you and your staff and set
18 something up soon.

19 ASSEMBLYMAN PALMESANO: Thank you.

20 COMMISSIONER SEGGOS: Thank you.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 We move on to Assemblyman Brown.

23 ASSEMBLYMAN BROWN: Thank you,

24 Madam Chair.

1 Good evening, Commissioner. It's nice
2 to speak with you.

3 COMMISSIONER SEGGOS: Good evening.
4 Good to see you.

5 ASSEMBLYMAN BROWN: So my two main
6 areas I want to talk about are water quality
7 and solid waste.

8 So my district is a coastal community,
9 the Northport area of the North Shore of Long
10 Island. And I'm curious in terms of the bond
11 act and whether or not that money could be
12 used for stormwater, storm hardening, and
13 also dredging. We have a problem in
14 Northport Harbor -- it hasn't been dredged
15 since 1965. And I've been working on getting
16 a dredge permit that actually I just sent out
17 to Region 2 for approval, along with the
18 environmental consultant, last week.

19 So that's my first question.

20 COMMISSIONER SEGGOS: So I think the
21 answer to that is going to be probably. The
22 bond act, to the extent that the categories
23 remain intact -- which the Governor hopes
24 that they will -- includes several funding

1 lines for just those types of things,
2 stormwater as well as shoreline protection
3 generally.

4 So we look forward to learning more
5 about the problems in your district and
6 helping that inform our project list for
7 sure.

8 ASSEMBLYMAN BROWN: All right. If I
9 can follow up with you about fast-tracking
10 that dredge permit. Because everybody else
11 is ready to go -- the county, the feds. It's
12 just the town is the one that's lagging
13 behind.

14 COMMISSIONER SEGGOS: Okay.

15 ASSEMBLYMAN BROWN: A question about
16 the New York-Connecticut Long Island Sound
17 Task Force. I was a member of Save the Sound
18 before I was an Assemblyman. And, you know,
19 what can we do more for wastewater treatment,
20 you know, between Connecticut and New York to
21 clean up the quality of portions of the
22 sound?

23 COMMISSIONER SEGGOS: Well, you know
24 the sound if you were on Save the Sound, so

1 you know its issues. Can certainly pay some
2 respect to the amazing progress we've made
3 over the last 30 years on the sound, where
4 the large -- the inner portion of the sound
5 has made some significant improvements from a
6 water quality perspective and now we're
7 looking at the embayments as really the
8 source of problems.

9 We work well with Connecticut. We
10 work well with EPA Regions 2 and 1 to ensure
11 that we're all coordinating in the right way
12 to do upgrades. And I think, you know, you
13 see the Governor's commitment to water
14 quality in this budget.

15 It won't help on the Connecticut side,
16 but I can tell you on the New York side that
17 the lingering problems we have with
18 infrastructure in Long Island Sound can be a
19 target of action under the bond act and the
20 Clean Water Infrastructure Act monies.

21 ASSEMBLYMAN BROWN: Great.

22 And I have like 30 seconds to ask my
23 last question, about EPR. Why does EPR
24 legislation in the budget make the

1 manufacturer the first entity responsible
2 instead of the end user? And how can we beef
3 up the EPR to actually, you know, do what it
4 needs to do?

5 COMMISSIONER SEGGOS: Good question.

6 So really the heart of the EPR is
7 shifting the burden to the manufacturer to
8 reduce the end costs on the businesses or the
9 municipalities or the taxpayer. That's
10 typically where we are right now, which is
11 the end of the pipe, fixing problems that
12 could have been solved had the products been
13 designed differently.

14 So that's what EPR is designed to do,
15 put those -- put the onus up front so that
16 ultimately the costs are much less and in the
17 long run we have just less waste being
18 produced.

19 We can happily talk again. If we're
20 talking more about the dredge permit, we can
21 have a conversation about EPR as well.

22 ASSEMBLYMAN BROWN: I would love that.
23 I'll reach out to your office. Thank you so
24 much.

1 COMMISSIONER SEGGOS: Please do.

2 Thank you.

3 CHAIRWOMAN WEINSTEIN: We move on to
4 Assemblyman Walczyk.

5 ASSEMBLYMAN WALCZYK: Well, good
6 evening, Commissioner. Wonderful to see you.

7 COMMISSIONER SEGGOS: Good to see you
8 as well.

9 ASSEMBLYMAN WALCZYK: Thanks for your
10 continued service to our state and nation.

11 COMMISSIONER SEGGOS: You as well.

12 ASSEMBLYMAN WALCZYK: We're glad to
13 have you.

14 A couple of quick questions. Timber
15 construction. Is timber construction
16 considered by New York State carbon
17 sequestration?

18 COMMISSIONER SEGGOS: Yeah, it
19 certainly should be. Mass timber
20 construction is a vibrant field to the future
21 of those buildings. That type of
22 construction can sequester an enormous amount
23 of carbon. We have so much research going on
24 at SUNY ESF on that front.

1 ASSEMBLYMAN WALCZYK: Is the CLCPA or
2 this budget or bond act or anything doing
3 anything to incentivize timber construction
4 or disincentivize, you know, concrete
5 high-rise construction, which would be very
6 carbon dirty, for example?

7 COMMISSIONER SEGGOS: Yeah, I
8 certainly know that the mass timber has come
9 up in the context of the CLCPA in all of our
10 working groups and panels. So we're looking
11 at that in terms of how we can program some
12 investments for the future.

13 And any construction that we're doing
14 through any funding source in the
15 State Budget -- you know, you see some of
16 that happening in the SUNY system, a very
17 exciting amount of development with mass
18 timber. You see private industry happening
19 using some of those techniques. So to the
20 extent that we can help, we will.

21 ASSEMBLYMAN WALCZYK: And the -- I
22 mean, the State of New York obviously we
23 probably are the biggest forest owner at this
24 point. How does that factor in for good

1 forest management practices?

2 And as we're shifting to the
3 Environmental Bond Act and the open space and
4 preservation plan there, are we going to lock
5 more woods into -- I mean, I just saw the
6 oldest tree in the Adirondacks, you know,
7 fell to the ground and its carbon will go
8 back into the atmosphere, largely, instead of
9 being used for timber construction. And
10 that's what "Forever Wild" means, right?

11 Are we in our future goals going to
12 lock more of that carbon into our buildings
13 through timber construction or good forest
14 management practices?

15 COMMISSIONER SEGGOS: Well, I'd say
16 that we have a very good balance envisioned,
17 currently and envisioned, for our management
18 of the state's forests. Right?

19 We have wilderness areas in the
20 Adirondacks, the Catskills that are
21 permanently set aside and Forever Wild. And
22 then there are a significant amount of
23 easement lands within those parks and state
24 forests outside the parks that are

1 appropriate for certain types of harvesting.

2 We do have a robust logging and timber
3 industry in New York State, especially in the
4 Southern Tier, and I can tell you that we're
5 proud of what we've done with our state
6 forest contracts and the way we've managed
7 those in terms of sustainable forestry, as
8 well as ensuring the landscape is not
9 impacted. It's been a top priority of ours
10 over the last few years.

11 ASSEMBLYMAN WALCZYK: Well, I've got
12 many more questions, but I know that the
13 chair doesn't like when I ask one right at
14 the end, so I'll yield back the last few
15 seconds of my time.

16 COMMISSIONER SEGGOS: You know where
17 to find me if you need me.

18 ASSEMBLYMAN WALCZYK: Thanks,
19 Commissioner.

20 COMMISSIONER SEGGOS: Thanks.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 Earlier we were joined by
23 Assemblywoman Rosenthal -- I think she may
24 have been here earlier, actually; Assemblyman

1 Friend; and Assemblyman Simpson.

2 And we go to Assemblyman Simpson.

3 CHAIRWOMAN KRUEGER: I'm sorry,
4 Assemblywoman, I've been joined by an
5 additional Senator. Can I slide them in?

6 CHAIRWOMAN WEINSTEIN: Sure. Why
7 don't you go there first.

8 CHAIRWOMAN KRUEGER: Okay, thank you.
9 Senator O'Mara.

10 SENATOR O'MARA: Thank you,
11 Chairwoman. Sorry for the delay; I didn't
12 realize there was a cutoff for the various
13 houses.

14 But Commissioner, good evening.
15 Thanks for being with us today.

16 COMMISSIONER SEGGOS: Good to see you,
17 Senator.

18 SENATOR O'MARA: I want to thank you
19 for the outstanding work of you and your
20 department for the Tropical Storm Fred
21 flooding in Steuben County late this summer.

22 COMMISSIONER SEGGOS: That was
23 devastating.

24 SENATOR O'MARA: Devastating, and we

1 say that that's not the case. We are not
2 targeting wood-burning emissions, and we
3 expect that to be part of the state's heating
4 picture as long as people might want to make
5 that decision.

6 Really what we're doing, through the
7 Climate Action Council, is attempting to
8 bring that choice to the homeowner. To the
9 extent that heat pumps, for example, become
10 effective and people want to make that
11 investment, that they can do so and help to
12 augment some of their own expenses in regards
13 to heating.

14 But categorically I must be clear: We
15 are not banning the burning of wood, as I've
16 said on social media and to many newspaper
17 outlets in the last few weeks.

18 SENATOR O'MARA: Well, I'm glad to
19 hear you say it here again, then. It helps
20 me answer a lot of questions from certainly
21 my more rural constituents.

22 But with regards to new construction
23 or reconstruction of facilities that are
24 remote in the state that -- really remote,

1 don't have electricity -- are they going to
2 be banned from propane or fuel oil going
3 forward? Are they going to be restricted to
4 wood?

5 COMMISSIONER SEGGOS: No, I don't see
6 that being the case, Senator. Of course as
7 we round out the state's energy options and
8 shift to a renewable economy, we need to take
9 into account the difficulties of heating and
10 powering some of the more remote facilities.
11 And of course that will be part of the
12 calculus that we all take into account in
13 putting these policies together.

14 SENATOR O'MARA: Thank you.

15 One last question or comment. I've
16 heard some speculation that the EPA emissions
17 numbers that are coming out in a few weeks
18 are going to show that New York's emissions
19 are increasing rather than decreasing. In
20 significant part, I think it's being
21 speculated, due to the closure of Indian
22 Point and the lack of New York approving
23 lower emissions, cleaner facilities from
24 going online to meet our demands.

1 Do you have any insight on why those
2 numbers are going the wrong way with the EPA,
3 or if that's not the case?

4 COMMISSIONER SEGGOS: I don't have
5 insight into the EPA numbers. Certainly as
6 they're developed and put out there, I'll
7 have to review them and take that into
8 account.

9 I know that emissions have gone up
10 nationwide the last few years.
11 Notwithstanding the pandemic and the economic
12 slowdown, we did see an increase in
13 emissions. And it is concerning. We'll have
14 to look at the data and spend quite a bit of
15 time interpreting what that means.

16 SENATOR O'MARA: Thank you very much,
17 Commissioner.

18 COMMISSIONER SEGGOS: Thank you,
19 Senator. Good to see you.

20 SENATOR O'MARA: I am done,
21 Chairwoman. Thank you.

22 COMMISSIONER SEGGOS: Thank you.

23 CHAIRWOMAN KRUEGER: Thank you.

24 Back to the Assembly.

1 CHAIRWOMAN WEINSTEIN: Now we'll go to
2 Assemblyman Simpson.

3 ASSEMBLYMAN SIMPSON: Thank you, Chair
4 Weinstein.

5 Good to see you, Commissioner.

6 COMMISSIONER SEGGOS: Good to see you,
7 Assemblyman.

8 ASSEMBLYMAN SIMPSON: I've got a
9 question, I have a question -- last year, it
10 was around September, Governor Hochul
11 announced \$20 million for the Conklingville
12 Dam. And again this year there's another
13 \$20 million in the budget.

14 So is this the same 20 million, or is
15 this just the next phase of this project so
16 we're up to 40 million now?

17 COMMISSIONER SEGGOS: My understanding
18 is that we're up to 40, but I can
19 double-check that with our team.

20 ASSEMBLYMAN SIMPSON: Yeah, I just was
21 trying to clarify that.

22 I also -- you know, we've heard a lot
23 of discussions around clean water systems.
24 It's really a critical issue all over upstate

1 New York, all over everywhere. Have we done
2 an assessment to evaluate the need, what
3 those dollars are?

4 I can recall a couple of years ago
5 with the prior administration talking about
6 it, and there were estimates that were as
7 high as \$300 billion for our public clean
8 water drinking systems. And I've also heard
9 numbers recently from some of the
10 environmental groups that it's \$80 billion.

11 I think it would be very important for
12 us to establish what the true need is out
13 there, especially when we see these smaller
14 communities that are just unable to meet the
15 current regs even to be able to pay for those
16 systems, so --

17 COMMISSIONER SEGGOS: No doubt about
18 it that there's a huge need out there. We've
19 made that clear since we started working with
20 you and the Legislature on creating these
21 funding sources.

22 And I remember the estimate back in
23 the late 2000s of, you know, 40 billion for
24 clean water, 40 billion for wastewater. And

1 my expectation is that we've shrunk that
2 considerably through the grant programs that
3 we worked on together with you, and the loan
4 program, which is the most aggressive in the
5 country -- a billion dollars a year,
6 typically, on loans.

7 So we're chipping into that delta.
8 And, you know, the number is always shifting,
9 right, because infrastructure ages and
10 effectively becomes derelict and you have to
11 reinvest in it. EFC has a needs assessment
12 that we do; it's not the same thing as a
13 full-blown deep dive that we had in the late
14 2000s. If there's a fast way to get that, I
15 think it will be helpful to us, and maybe the
16 needs assessment is where we need to put our
17 effort.

18 But we won't dispute that the number
19 is large. And it is worth putting money, as
20 the federal government is about to do,
21 putting money into this, because this hidden
22 infrastructure really is the backbone of our
23 communities.

24 ASSEMBLYMAN SIMPSON: I agree, we need

1 clean drinking water. That's just as
2 important as our air and what's happening in
3 our climate.

4 COMMISSIONER SEGGOS: It is.

5 ASSEMBLYMAN SIMPSON: And its going to
6 get harder and harder to deal with these
7 issues, so --

8 COMMISSIONER SEGGOS: Agreed.

9 ASSEMBLYMAN SIMPSON: Thank you,
10 Commissioner, I'm out of time.

11 COMMISSIONER SEGGOS: Good to see you.
12 Thanks.

13 ASSEMBLYMAN SIMPSON: Good to see you.

14 CHAIRWOMAN WEINSTEIN: Thank you,
15 Commissioner. So I think we are up to me.

16 Every year we seem to have a
17 conversation about the Clean Water
18 Infrastructure Act of 2017. And I've very
19 much appreciated, and the staff have, looking
20 at where the various programs are. So I'm
21 just wondering if you can update us on the
22 status of the various programs in the Clean
23 Water Infrastructure Act of 2017, including
24 encumbrances or disbursements made so far and

1 what you anticipate in the coming year.

2 And if you could enlighten us as to
3 which programs were put on hold as a result
4 of the pandemic, and which have continued to
5 advance. And certainly to follow up in
6 writing with this information would be
7 helpful also.

8 COMMISSIONER SEGGOS: Be happy to
9 follow up in writing and be specific about
10 the various pots of money.

11 You're right that there was a lag
12 during the pandemic, or at least during early
13 2021 when there was some concern about the
14 state's economy at that point. But now we
15 certainly have rebounded. Governor Hochul
16 took office and was right away quick to tap
17 into the Clean Water Infrastructure Act, get
18 those funds out the door, and she made a big
19 announcement about that before the turn of
20 the year.

21 EFC will be putting out announcements
22 soon on the \$400 million grant program, where
23 those monies are going. There's a great deal
24 of energy and anticipation behind all of

1 those programs. We can certainly break down
2 for you in writing exactly what the spending
3 has been. And I know the Governor is intent
4 on continuing it, as she's put forth another
5 \$500 million toward the Clean Water
6 Infrastructure Act this year.

7 So it's a top priority of ours. I
8 know it's a top priority of the
9 municipalities that get this money, rely upon
10 it. And we see the federal government now
11 jumping in, as I just mentioned, to augment
12 those dollars and make sure we're putting
13 shovels in the ground. It's vital.

14 I will coordinate with DOH, which does
15 some of the drinking water disbursements, and
16 EFC, which has the loan and grant program,
17 and get you a complete answer.

18 CHAIRWOMAN WEINSTEIN: Great. And
19 then if we could switch topics.

20 As you know, there are three
21 manufactured gas plant sites along the
22 Gowanus Canal in Brooklyn in mixed-use areas
23 which remain contaminated with known
24 carcinogens. And there seems to have been

1 some I guess alteration of the remedy
2 references, levels. And I'm sure you and
3 colleagues are aware that a large part of the
4 site is slated for development of affordable
5 housing and an elementary school, which is
6 being constructed over a toxic MGP plant
7 built on wetland, so that it's going to
8 require a lot of pile-driving.

9 So I guess the question is, has DEC
10 conducted any analysis or seen any
11 documentation indicating whether a potential
12 vapor intrusion of contamination will enter
13 buildings via elevator shafts, HVAC systems?

14 There's a number of other questions
15 also. I know there's a subsite that's from
16 the -- of the Syracuse Hiawatha site that's
17 also there, and there seems to be some -- it
18 seems to be stricter regulation on the
19 Syracuse site than on this Gowanus site.

20 I have a number of other questions
21 regarding the Gowanus site, and I think what
22 maybe will be best, if you wanted to comment
23 a little bit on that site, but for me to send
24 you an email with the specific questions, and

1 if you could then email back a response and
2 we would share it, you know, obviously with
3 the members of the committee. And
4 Assemblywoman Jo Anne Simon represents that
5 area, so I would want her to be involved.

6 But if you want to just comment on the
7 Gowanus site, if you could now, or if you
8 want to just do it all in writing in response
9 to the questions.

10 COMMISSIONER SEGGOS: Sure. Thank you
11 for raising it. Very complicated
12 contamination issues in a dense area right
13 now.

14 We are laser-focused on holding
15 National Grid accountable for that former
16 contamination. I can't speak as much to the
17 zoning issue and the decisions by the city in
18 terms of, you know, how they intend to
19 rebuild the area. But anytime, you know, you
20 build over contamination you have to consider
21 vapor intrusion.

22 I'll check with my team and get you a
23 really good answer as to our analysis of that
24 threat. It's happened before elsewhere when

1 you haven't, you know, thoroughly thought
2 through the vapor intrusion potential and
3 you've got problems. But this has been such
4 a high-profile matter for my team down in
5 New York City as well as some folks here in
6 Albany, and we're working closely with EPA on
7 it.

8 But I will get you a full answer as
9 well as an answer for the Assemblywoman so we
10 can get that nailed down and addressed. But
11 thank you for raising it. My team is taking
12 notes and is scheduled to follow up with you.

13 CHAIRWOMAN WEINSTEIN: Great. That
14 would be great.

15 And I thought I was going to be last,
16 but Assemblyman Doug Smith snuck in here. So
17 we're going to call upon him for three
18 minutes.

19 COMMISSIONER SEGGOS: You're muted.
20 Or maybe I'm not hearing on my --

21 ASSEMBLYMAN SMITH: Thank you so much,
22 Chairwoman. Again, I apologize.

23 And thank you, Commissioner, for being
24 here with us.

1 Just a few questions; I'll keep it
2 brief. But I heard your answers regarding
3 the extended producer responsibility, and I
4 just wanted to see if you could quickly
5 explain it, because I think a number of us
6 have real questions on how the mechanics of
7 this are going to work.

8 So I represent, for example, the
9 Township of Islip on Long Island, and I'm
10 trying to figure out how -- how is this going
11 to work. So if I have like Kellogg's as a
12 cereal company, they have the cardboard box,
13 they have the plastic insert where the cereal
14 goes. And the Town of Islip handles
15 recycling, they handle sanitation. Are they
16 going to be cutting a check to the township?
17 You know, how is -- what is the mechanism?

18 And if you could answer that, because
19 I think a number of our members are -- and
20 myself included -- are a little bit
21 questioning, just questioning the mechanics.

22 COMMISSIONER SEGGOS: Okay. The
23 mechanics of this are fairly stepwise,
24 recognizing that we have an issue with solid

1 waste right now, we've got to reduce the
2 amount of waste we produce -- I mean, that's
3 the heart of the EPR -- and put those burdens
4 on the manufacturers themselves.

5 We intend to do this in a stepwise
6 manner, because we recognize that, you know,
7 the market is complex and there's a certain
8 amount of work we need to do up-front to
9 understand the scale of the problem. So as
10 opposed to setting a particular recycling
11 mandate, I think we have to understand what
12 the production problems are for a variety of
13 products.

14 So starting with an advisory committee
15 comprised of environmental stakeholders,
16 industry stakeholders, to help advise us on
17 how to begin focusing this program. And then
18 of course moving into a needs assessment.
19 The needs assessment then dives deep into the
20 so-called industry, right, where we get a
21 better sense of who's producing a product and
22 how that product can be perhaps more
23 effectively addressed.

24 The manufacturers of the product then

1 can either choose to independently or
2 collectively create that plan. There's a
3 so-called producer responsibility
4 organization: Would you join an organization
5 to create these plans that would be submitted
6 to the department for approval?

7 And then after that is the creation of
8 regulations, right, to begin driving this
9 into reality over time.

10 There is a stepwise approach here that
11 between now and, say, 2026, all of this will
12 take place. It's a little bit like the
13 Climate Leadership and Community Protection
14 Act, in that we are bringing experts to the
15 table, creating a plan, and ultimately
16 implementing the plan. The only difference
17 being with the CLCPA, we knew the targets we
18 needed to hit. We don't know the targets we
19 need to hit yet with EPR --

20 ASSEMBLYMAN SMITH: Oh, okay. So --
21 and I appreciate that. So you're explaining
22 that, you know, this is a multiyear process.
23 Because I think the real question that we're
24 trying to just figure out here is like the

1 company that makes the bags that Pepsi -- you
2 know, Frito-Lay fills up with chips.

3 COMMISSIONER SEGGOS: Sure.

4 ASSEMBLYMAN SMITH: You know, how is
5 that company going to know where these bags
6 are going? Whereas Pepsi, the brand, may
7 know where they're sending it, but actual
8 producer of the waste product that ends in
9 the product, you know, how are they going to
10 be able to track that.

11 So that's I think a question that if
12 you could just not at this time -- I'm out of
13 time -- but maybe send something around to
14 follow up, just because --

15 COMMISSIONER SEGGOS: Sure --

16 ASSEMBLYMAN SMITH: For those of us
17 who are not -- you know, we just want to wrap
18 our heads --

19 COMMISSIONER SEGGOS: I'm happy to do
20 that. We can do a follow-up as well.

21 ASSEMBLYMAN SMITH: Thank you.

22 COMMISSIONER SEGGOS: Thank you.

23 ASSEMBLYMAN SMITH: Thank you,
24 Chairwoman.

1 CHAIRWOMAN WEINSTEIN: Before we end
2 the hearing, Assembly --

3 CHAIRWOMAN KRUEGER: We're not ending
4 the hearing, we're just ending the
5 commissioner.

6 (Laughter.)

7 COMMISSIONER SEGGOS: Before you end
8 me --

9 CHAIRWOMAN WEINSTEIN: This portion of
10 the hearing. Before we let the commissioner
11 go, Assemblyman Steve Englebright has a
12 question on the second round, as chair, of
13 three minutes.

14 ASSEMBLYMAN ENGLEBRIGHT: Thank you
15 very much.

16 I feel a little like Paul Revere, if
17 by land and by sea. I'll start by land.

18 Commissioner, what's your overall
19 vision for brownfields? And what
20 achievements should we expect to see as a
21 result? And that's by land.

22 By sea -- it's clearly more by the air
23 in this case -- how does the budget address
24 the scourge of air contamination, incidents

1 of asthma in particular? And are there any
2 additional resources to combat asthma by
3 directing some of the resources of the EPF
4 and the bond act to help save some people's
5 lives and extend their longevity?

6 COMMISSIONER SEGGOS: Great questions.
7 And let me take them in order.

8 First of all, on brownfields, I
9 believe this is one of the most successful
10 programs that we have. We have successfully
11 created some reforms back in 2015 that
12 resulted in the increase of participants in
13 the program.

14 The Governor's made it clear that she
15 wants to continue this program now for
16 another 10 years and broaden the categories
17 that are eligible for credits -- two very
18 important categories: One, redevelopments in
19 urban areas and specifically environmental
20 justice areas; and two, creation of renewable
21 energy projects. So both of those
22 projects -- both of those types of categories
23 would take coverage under the new law.

24 Again, a very successful program. We

1 can certainly, given time, jump into any
2 questions you have offline and I would hope
3 get this project reinvigorated, get it across
4 the finish line.

5 On air, really important question.
6 I'll take that really in two ways that are
7 forward-looking. We have existing resources
8 here in New York at DEC that help us to
9 address air problems as we see them with our
10 air folks. The bond act has, as one of its
11 elements, the reduction in air pollution --
12 the Clean Water, Clean Air, Green Jobs Act.
13 And to the extent that the bond act passes,
14 I'm confident that we can direct investments
15 into areas of core air emissions.

16 Secondly, the Climate Leadership and
17 Community Protection Act, our CAC. We talked
18 a lot about benefits earlier in the day, cost
19 benefits. I just want to make something
20 abundantly clear. We talk about a scenario
21 where we're weaning off of fossil fuels and
22 the cost and the benefits that we recognize
23 as a state in regards to that. Those
24 benefits, the societal benefits, those are

1 lives. That's asthma. Those are -- those
2 are days lost from work. All of that we'll
3 be avoiding as a result of the improvements
4 that we'll make through the investments in a
5 renewable economy.

6 So I know we're crunched for time, but
7 I want to make that clear so it's not lost on
8 you all and the general public that moving to
9 a renewable energy economy is going to save
10 lives in New York.

11 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
12 Commissioner, Madam Chair.

13 COMMISSIONER SEGGOS: Thank you,
14 Assemblyman.

15 CHAIRWOMAN WEINSTEIN: Back to --

16 CHAIRWOMAN KRUEGER: Thank you.

17 CHAIRWOMAN WEINSTEIN: -- Senator
18 Krueger for the next witness.

19 (Laughter; overtalk.)

20 COMMISSIONER SEGGOS: We done? You
21 done with me?

22 CHAIRWOMAN KRUEGER: I want to thank
23 you very much, Commissioner Seggos, for
24 spending a couple of hours with us.

1 COMMISSIONER SEGGOS: Thank you.

2 CHAIRWOMAN KRUEGER: And continue your
3 good work, and we will make more demands on
4 you for the people of New York State.

5 COMMISSIONER SEGGOS: (Laughing.)
6 Thank you, Senator.

7 CHAIRWOMAN KRUEGER: That's what we
8 do.

9 COMMISSIONER SEGGOS: Good night,
10 everybody.

11 CHAIRWOMAN KRUEGER: Thank you. Good
12 night.

13 But now we are moving on to No. 2 on
14 Part 2 of Environmental Conservation: Erik
15 Kulleseid, New York State Office of Parks,
16 Recreation and Historic Preservation
17 commissioner.

18 Are you with us, Erik?

19 COMMISSIONER KULLESEID: I'm here.
20 Can you hear me?

21 CHAIRWOMAN KRUEGER: Ah, yes. See,
22 you thought we'd never get to you.

23 Welcome. And you have up to
24 10 minutes to highlight key points in your

1 testimony, which we all have in front of us
2 and can read. Thank you.

3 COMMISSIONER KULLESEID: Thank you.

4 And I guess that I can -- you see my
5 testimony said good afternoon, but I think at
6 this point it's safe to say good evening,
7 Chair Krueger, Chair Weinstein,
8 Senator Serrano, Assemblyman O'Donnell, and
9 members of the State Legislature. Thank you
10 for inviting me here today.

11 I am honored to represent
12 Governor Hochul on behalf of our state parks
13 system, which includes 250 state parks,
14 historic sites, golf courses, boat launches,
15 trails -- facilities that are essential to
16 societal health and well-being for people
17 from communities all across New York.

18 Last year our parks -- and our
19 incomparable parks staff -- welcomed more
20 than 78 million visitors for the second
21 straight year, and overnight stays at
22 campgrounds were the highest ever.
23 New Yorkers continued heading to our parks in
24 record numbers for relief from the COVID

1 pandemic. This follows a decade of steady
2 growth -- an overall increase of 41 percent
3 in visitation since 2008.

4 Simultaneously, during 2021 our parks
5 staff were out there providing more than
6 500 individual COVID missions, such as test
7 site support and equipment distribution.
8 Additionally, staff provided storm response
9 for 16 individual storm events across the
10 state.

11 The Governor's proposed budget for the
12 agency is precedent-setting by any measure,
13 reflecting her deep personal support for the
14 park system. As a frequent visitor, she
15 recognizes the value of parks and historic
16 sites and supports the work that needs to be
17 done to maintain our basic infrastructure and
18 meet the needs of our visitors.

19 The Executive Budget increases
20 operations spending, which is very welcome,
21 and sets staffing at its highest level since
22 2009, allowing us to rebuild a workforce
23 challenged by the hiring freeze. Something
24 that I know many of you are interested in,

1 retention and recruitment of Park Police is a
2 priority. I've directed the agency to begin
3 planning for a Park Police Training Academy
4 starting this fall.

5 Governor Hochul will accelerate and
6 enhance our NY Parks 100 initiative,
7 proposing \$200 million in bonded funding for
8 our capital program. This 80 percent
9 increase over last year will position
10 New York State to celebrate the 100th -- I
11 invite you all to come -- 100th anniversary
12 of the State Parks Act of 1924, which
13 established the system we know today.

14 This increase is a fantastic vote of
15 confidence in the capacity of this agency to
16 get things done, and it amplifies our ability
17 to meet the recreational and cultural needs
18 of New Yorkers, visitors and tourists.

19 The funding will help to create a new
20 state park at the High Falls area of downtown
21 Rochester, and build on the far-reaching
22 enhancements to outdoor recreation that we
23 saw last year. Those included a \$30 million
24 renovation of the FDR State Park swimming

1 pool in metropolitan New York City; opening
2 the first-ever Autism Nature Trail at
3 Letchworth State Park to invite those with
4 autism spectrum disorder to come to the
5 outdoors and develop new skills; creating a
6 whole new park area at Niagara Falls State
7 Park -- the largest expansion of the park
8 since 1885 -- by removing a segment of the
9 Moses-era parkway. In addition to that, we
10 broke ground on a brand-new visitor center, a
11 \$46 million state-of-the-art visitor center
12 for that park that will open in 2023.

13 We also opened an \$8.3 million
14 Environmental Education and Resiliency Center
15 at Hempstead Lake State Park in
16 Nassau County. The center offers space for
17 hands-on learning and is part of a
18 multi-million-dollar parkwide transformation
19 to reduce flood risk, improve water quality,
20 and enhance recreational access along the
21 Mill River corridor in southern Nassau
22 County.

23 We also celebrated the opening of
24 The Pines@SPAC, a \$9.5 million renovation at

1 the Saratoga Performing Arts Center, which
2 creates a four-season space.

3 Obviously there's a lot of other good
4 news outside of our direct budget. By
5 increasing the funding for the EPF to a
6 historic \$400 million, the Executive Budget
7 will enhance our stewardship of natural and
8 cultural resources, and better connect parks
9 to people. Notable programs include doubling
10 the funding for our successful and vital
11 Parks & Trails Partnership grants, which
12 empowers friends' groups to do projects in
13 our parks; a 50 percent increase to our
14 "Connect Kids" program, which allows children
15 from economically distressed and underserved
16 communities to experience state parks and
17 historic sites and not only get job skills
18 but learn nature skills; and a 30 percent
19 increase to the Local Parks/Historic
20 Preservation Grant Program, a great
21 empowerment for local communities and
22 nonprofits to do their own projects around
23 parks and open space.

24 Our parks will be eligible for funding

1 from the \$4 billion Clean Water, Clean Air,
2 and Green Jobs Environmental Bond Act. If
3 approved by the voters, this bond act will
4 make significant environmental investments
5 across the state, including in our parks.

6 As the largest owner of shoreline in
7 the State of New York, our parks are
8 vulnerable to climate change, and we also
9 have a lot of exciting projects in former
10 brownfields that can be restored using this
11 funding. So we're very excited about the
12 bond act.

13 Our Division for Historic Preservation
14 is our engine, our little engine that could.
15 It generates lots of private investment. We
16 continue our nation-leading work to document,
17 preserve and enhance historic resources.
18 We've now approved the rehabilitation
19 commercial tax credit in more than 1150
20 individual properties, incentivizing nearly
21 \$14 billion in private investment since the
22 establishment of the current federal program
23 in 1993. The vast majority of this work has
24 occurred since New York State, on its own,

1 established a complementary rehabilitation
2 tax credit in 2007 and enhanced it in 2010.

3 Later this year we will launch a
4 registry that highlights historic businesses
5 that have operated for at least 50 years and
6 have contributed to our communities' history.

7 As always, and I hope you'll take me
8 up on this, I welcome you to visit in the
9 coming year, to see in person the amazing
10 service we provide. Thank you for your
11 support for New York's magnificent natural
12 and historic places, and the millions who
13 benefit from them. I look forward to working
14 with you to make the park system the best it
15 can be. And I welcome any questions.

16 CHAIRWOMAN KRUEGER: Senator Serrano,
17 the chair of the Parks, Tourism, et cetera,
18 Committee for the Senate.

19 SENATOR SERRANO: Thank you,
20 Madam Chair.

21 Commissioner, great to be with you.
22 Thank you for your testimony. Wonderful to
23 be with my colleagues on something that we
24 all care so deeply about, and that is our

1 state parks. Very --

2 (Zoom audio/video frozen.)

3 CHAIRWOMAN KRUEGER: Oops, you froze,
4 Marco. I wonder if you turn your picture off
5 whether your voice will come through.

6 SENATOR SERRANO: I'm sorry. Am I
7 frozen? Am I okay?

8 CHAIRWOMAN KRUEGER: You're okay now.
9 You had frozen.

10 SENATOR SERRANO: So I'll start again.

11 Thank you again. I was very happy to
12 hear in your testimony, Commissioner, about
13 an increase to capital funding. It seems
14 like yesterday, but it was a year ago when we
15 were talking about the next four-year plan
16 when it came to capital funding, and how that
17 could affect some of the high-use parks,
18 those that get -- that really get a lot of
19 use and maybe are closer to metropolitan
20 areas.

21 So this increased capital funds, how
22 does it affect sort of the most heavily used
23 parks, maybe near New York City?

24 COMMISSIONER KULLESEID: Thank you for

1 the question. And thank you for being one of
2 our top park users and boosters. It's always
3 great to see you in our parks, and I know how
4 well you know them.

5 We are -- yes, so the boost in capital
6 funding really allows us to keep moving on
7 our very successful program of the last
8 10 years, and I think you can expect to see a
9 lot of investment in parks like Harriman,
10 parks like Bear Mountain, parks in the
11 city -- Riverbank -- those places where a lot
12 of people make day trips in the summer,
13 they're there all year long.

14 And the funding really allows us to
15 take on rebuilding capacity in those parks.
16 Those parks in particular, over the last
17 40 years, have actually seen us closing
18 facilities and limiting our capacity. And so
19 this funding is going to allow us to turn the
20 corner and really start to rebuild in all
21 those areas.

22 And I'm grateful to your support, I'm
23 grateful to everyone's support for funding in
24 the past, and I think that we are achieving

1 results that should give you confidence that
2 we'll continue into the future.

3 SENATOR SERRANO: But with the
4 pandemic, I can imagine there's been
5 challenges of getting contracting or getting
6 a lot of these programs off -- these projects
7 off the ground.

8 Are you finding it harder to get these
9 things going, or are we in a good place as
10 far as getting some of these infrastructure
11 upgrades and so on done?

12 COMMISSIONER KULLESEID: You know, I
13 can't speak for some of the supply chain
14 problems you hear about that are somewhat
15 caused by COVID and other disruptions in the
16 economy. Right?

17 But no, our team has been -- is ready
18 to stand this up. You know, one thing we've
19 learned in the last 10 years is how to run a
20 capital program, and we are excited by the
21 opportunity and think that we are really a
22 mature capital agency now that can deliver
23 these results. No, we're very excited about
24 this possibility.

1 SENATOR SERRANO: One thing that I've
2 been hearing about, Commissioner, from
3 advocates and folks who care about the way
4 the parks operate is full-time park
5 employees. You mentioned a little bit or it
6 was written in your information about
7 increases in hiring. But I think there's so
8 much more that we can and should do.

9 What are some of the goals to try to
10 fill the gap for having the number of
11 employees there to help our parks deal with
12 the increase in usership that we've been
13 seeing over the years?

14 COMMISSIONER KULLESEID: So I think --
15 and thank you for that question. Obviously I
16 think first of all the return to a fill level
17 that's above wherever we were in 2008 is
18 obviously very welcome news, and we are in
19 full-on hiring mode to get ourselves up to
20 that level. We're very grateful to the
21 Governor for releasing the freeze last year.

22 You know, I think that we have always
23 been an agency that can do things on lean
24 budgets, and as the well has been tight. I

1 think we are able -- we're going into the
2 coming season with huge optimism about our
3 ability to provide and keep the kind of
4 service level that we've had, that people
5 expect in our parks. Obviously this increase
6 is huge because it gives us positions for the
7 future. And we'll see, obviously, as parks
8 come online, we may need more funding and
9 more staffing, but right now we're sort of
10 laying the groundwork.

11 So we're in pretty good shape right
12 now. I think we feel very confident about
13 the future.

14 SENATOR SERRANO: I want to talk a
15 little bit briefly about diversity in parks.
16 So, I mean, you've often heard me speak about
17 my own experience growing up in the city,
18 growing up in the South Bronx, but having the
19 opportunity to connect with parks at a young
20 age had a profound effect on my life and was
21 quite transformative, and it's something that
22 I take with me to this day.

23 And I want to see more and more of
24 those opportunities for kids in inner

1 cities -- not just in New York City, but
2 throughout the state -- and finding ways to
3 connect kids to parks and create sort of
4 these lifelong connections for folks to
5 become stewards of parks, not just visitors.

6 What are some of the plans that you
7 have to make that happen?

8 COMMISSIONER KULLESEID: So it's
9 something that's near and dear to my heart as
10 well. We've established -- obviously we have
11 the Connects Kids program. We are also
12 growing a new program called Ladders to the
13 Outdoors, which is meant to take advantage of
14 the fact that our footprint covers urban
15 areas to the most wilderness areas, as a way
16 of progressing people through levels of
17 comfort into various levels of park
18 experience.

19 But we also have our Connect Kids
20 program. We were talking about expanding the
21 prospects to Connect Kids. Connect Kids
22 right now is very much targeted towards
23 schools, after-school programs, to get them
24 transportation to the parks. With the

1 changes that we're proposing in that, we'll
2 be able to not only do that but provide
3 skills training to even, you know, jobs, work
4 skills, recreation skills. And we are very
5 excited about the possibilities.

6 And we have, as you know, at Harriman
7 and other places with the group camps,
8 offered huge opportunities, huge venues for
9 us to be able to expand the scope of what we
10 do for our youth in the cities.

11 I should say also in the City of
12 Syracuse we're working closely with a group
13 in the City of Syracuse to get more Syracuse
14 City youth working in our parks in the parks
15 in the area around Syracuse. It's something
16 I take very seriously and am grateful for
17 your support and look forward to getting
18 help, as we can, to forge those ties and make
19 sure our ties to diverse populations are as
20 strong as they can be.

21 SENATOR SERRANO: Connecting more and
22 more people to parks I think is obviously a
23 goal of all of ours. And we've seen, during
24 the pandemic -- not that we needed any

1 additional proof, the pandemic proved to the
2 world how important parks and green spaces
3 are. Folks turned to our parks as a very
4 safe way to be out and recreate and hike and
5 camp and do all of the things that we needed
6 to do for mental health and our physical
7 health as well.

8 But with all of that increase in
9 usership, obviously there's challenges that
10 go along with that. It's a good problem to
11 have. I would love to see even more people,
12 every single year over year, do that.

13 But at the same time I would love to
14 see park users, as I mentioned in my previous
15 statement, become more stewards of the parks,
16 and maybe training programs and educational
17 programs to help people do that, to also
18 venture into other parts of the parks.
19 Sometimes folks like to focus on some of the
20 more familiar areas. But we have so many
21 trails -- and sort of educating people about
22 all the different wonders that we have in our
23 state parks, like in a place like Harriman or
24 any of the other parks.

1 I just -- what -- can you tell me a
2 little bit about creating stewards of the
3 parks throughout New York State?

4 COMMISSIONER KULLESEID: So one of the
5 things we've been able to build in the past
6 10 years or so has been a robust education
7 program. So we've expanded the number of
8 nature centers in our parks so that you can
9 come in, kids can get exposure to learning
10 about wildlife, learning about environmental
11 ethics. We are teaching and building the
12 next generation of stewards.

13 Because you're totally right. You
14 know, this generation that seems to be tied
15 to phones -- and I'm someone who has to deal
16 with that myself -- need to be helped in sort
17 of getting out in nature.

18 I should note we're also trying to
19 make it just easier for people to get there.
20 You know, we have obviously language
21 capacity, but right now we have a new app
22 that we use called New York State Parks
23 Explorer, which gives you a look, helps steer
24 you to places, helps give notices of what's

1 going on in our parks. But it is something
2 we do every day that sort of makes sure that
3 we can build those connections. And it is
4 one of the most important things for me as
5 the commissioner to try and address.

6 SENATOR SERRANO: Now, the whole idea
7 of stewardship, is that something that the
8 Parks Department will want to do themselves,
9 or is this something that friends' groups
10 have a hand in as well? How does that work?

11 COMMISSIONER KULLESEID: Oh, we do
12 obviously -- you know, one of the great
13 things about state parks is we can model the
14 best behavior. Right? Because we have so
15 many people come to enjoy themselves in our
16 parks. So if we are modeling sustainability
17 around solar infrastructure, around making
18 sure that our parking lots and other places
19 are not just sources of sheet flow and
20 surface flow pollution -- right? We're a
21 capital program, we're trying to green up our
22 infrastructure, make ourselves more
23 sustainable and make an educational
24 opportunity for the kids and the families

1 that are coming through our parks.

2 It's something we take very seriously,
3 and I think we actually have a unique
4 platform there because we have so many
5 visitors a year so there's so much we can
6 show people about what it means to be true
7 good stewards of the land.

8 SENATOR SERRANO: Well, thank you. I
9 think my time is up. It's always a pleasure
10 speaking with you, Commissioner.

11 Thank you, Madam Chair.

12 CHAIRWOMAN KRUEGER: Thank you,
13 Senator Serrano.

14 Assemblywoman Weinstein.

15 CHAIRWOMAN WEINSTEIN: We go to
16 Assemblyman O'Donnell, chair of our Tourism
17 and Parks Committee.

18 ASSEMBLYMAN O'DONNELL: Good evening,
19 Commissioner.

20 COMMISSIONER KULLESEID: Good evening.

21 ASSEMBLYMAN O'DONNELL: I've been
22 waiting for you --

23 (Laughter.)

24 ASSEMBLYMAN O'DONNELL: -- just so you

1 know.

2 So I'm very, very happy with the
3 capital funding in this budget, the
4 200 million for parks, and also the municipal
5 parks funding. But there's a lot of
6 discussions around equity and equitable and
7 what is inequitable funding. And the tale
8 I'll tell, I represent three New York City
9 parks, all designed by Frederick Olmsted --
10 Morningside Park, Central Park, and
11 Riverside Park. And the prettiest of them is
12 Morningside Park, but it was ignored by the
13 City of New York for one reason and one
14 reason only: It was in Harlem. Okay?

15 And so in the end, equitable as a
16 distribution of resources can be very
17 subjective. So how are you going to figure
18 out where you're going to put this capital
19 funding?

20 So for example, you know, my friend
21 Senator Serrano talked about the parks that
22 are the most used, have the most people
23 coming to them. But they may not be the
24 parks that are most in need of capital

1 funding.

2 COMMISSIONER KULLESEID: So thank you
3 for the question, and nice to see you.

4 So yes, I think that the great thing
5 about having this renewed investment in
6 capital is going to allow us to invest in
7 parks. And keep in mind, obviously, you
8 know, the parks we've opened in the last few
9 years. We opened a park in Brooklyn, right,
10 in East New York, with Shirley Chisholm State
11 Park. So it's something we take seriously.

12 I think what you're going to see,
13 Assemblyman, is that we will be -- Riverbank,
14 which is not in your district but close by,
15 is obviously key to the Harlem community.
16 We've invested \$100 million over the past
17 years. Or Roberto Clemente, which is one of
18 our parks in the South Bronx. And I think --
19 you know, Senator Serrano and I were talking
20 about Harriman. As you know, Harriman on a
21 weekend is full of day-trippers from New York
22 City, from the five boroughs and particularly
23 from Northern Manhattan, the Bronx. You go
24 around and Spanish is the primary language

1 spoken.

2 So I think that we need to remember
3 that some of those parks that are in the
4 suburbs and that ring New York are actually
5 vital parts of New York City -- sort of
6 breathing room in the summer. And I include
7 in that the pool that we just refurbished at
8 Franklin Delano Roosevelt, and Rockland Lake
9 State Park. We've got a number of facilities
10 that have become the destination for people
11 who don't have those kind of opportunities in
12 the city.

13 So I think you're going to see a lot,
14 I think, if this money gets invested, in
15 those parks that ring the city and yet have
16 unfortunately not been restored the way we've
17 restored some of our biggest places.

18 ASSEMBLYMAN O'DONNELL: Well, I share
19 Senator Serrano's view of the importance of
20 parks in my childhood, except that was
21 exclusively Robert Moses State Park and
22 Robert Moses Causeway. So as a child I
23 thought he was a hero. I of course have had
24 a revision of my view of Robert Moses. But I

1 can understand how important it needs to be
2 that you do this gingerly, because no one
3 likes to feel like they're being treated
4 inequitably.

5 Same question about staffing. How are
6 you going to address that issue about having
7 additional positions, and where will they be
8 put?

9 COMMISSIONER KULLESEID: So staffing
10 is -- let me think about the question. So we
11 have -- we are -- our fill level is proposed
12 to go up to 2087, which like I said is higher
13 than it's been since 2008. Right now we are
14 in a full-on effort to recruit all that
15 staff.

16 You know, it will end up -- we know,
17 we know where our gaps are. We know that we
18 have gaps downstate. It will go -- I mean,
19 we actually in this case, you know, our gap
20 is fairly consistent statewide. Right? And
21 we are -- and you're going to see a lot of --
22 you're going to see a lot of increases across
23 the state. But it's really one of those
24 things where we want each park -- we know

1 a discussion about the creation of new parks
2 on the Hudson where you'd be able to do boat
3 launches. And at the time there was no
4 proposed name of that park. What is the
5 status of that?

6 COMMISSIONER KULLESEID: So we have a
7 couple of parks -- a couple of park
8 initiatives on the Hudson. The boat launches
9 are really in existing villages in the upper
10 Hudson, between Hudson and Albany, that we
11 call the Hudson Eagles Recreation Area, and
12 there you're seeing -- they are being named,
13 those boat launches are being named by the
14 community they're in. So there's one coming
15 up in Coxsackie, they've got one in Hudson.

16 But also -- but you're right, we've
17 also -- the state has recently acquired a
18 500-acre piece of land, a former quarry in
19 the City of Kingston, in the Town of Ulster.
20 And we are -- we hope to be able to get
21 something open there by Earth Day, and we
22 will have an unveiling on the name at that
23 point.

24 ASSEMBLYMAN O'DONNELL: May I ask, is

1 there any current consideration of naming any
2 more parks after the former Governor's
3 family?

4 COMMISSIONER KULLESEID: That is not
5 under consideration, as far as I know.

6 ASSEMBLYMAN O'DONNELL: Well, I'm very
7 happy to hear that.

8 How about the current Governor? Has
9 she suggested that you name anything after
10 her family?

11 COMMISSIONER KULLESEID: There's been
12 no suggestion in that regard.

13 ASSEMBLYMAN O'DONNELL: Well, that's
14 very good news.

15 Commissioner, it's been a pleasure. I
16 will yield the rest of my time.

17 COMMISSIONER KULLESEID: Thank you,
18 Assemblyman.

19 CHAIRWOMAN KRUEGER: Thank you,
20 Assemblyman.

21 Our next speaker will be Senator John
22 Mannion, if he -- ah, there he is.

23 SENATOR MANNION: I appreciate the
24 guardrail, Senator Krueger, thank you.

1 Hello, Commissioner. I'm getting my
2 bearings here, so I appreciate it. We're
3 going to start with Environmental
4 Conservation Police as well as Forest
5 Rangers, Park Police. They do not have a
6 20-year retirement plan. So, you know, as
7 someone who represented people in the public
8 sector, I think I understand the demands of
9 jobs that are like these. And can you speak
10 to how possibly that 20-year -- lack of a
11 20-year retirement plan might be impacting
12 recruiting and retaining members? And how is
13 recruitment and retainment going at this
14 time?

15 COMMISSIONER KULLESEID: Well, I -- as
16 I -- you know, I'm glad to be able to say
17 that we are finally able -- I mean the
18 Park Police in particular, over the last two
19 years, have been in limbo. But I'm happy to
20 be able to say that we are now laying the
21 groundwork to do a Park Police Academy in the
22 fall so that we can begin to address the
23 attrition that we've faced over the last two
24 years when we've not been doing academies.

1 I'm very excited about that because,
2 as you know, our Park Police play a vital and
3 unique role of community policing for us.
4 They're in the parks, they mitigate
5 situations before they get hot. So they're a
6 great resource for us.

7 I think what you're going to see is
8 where we really get hit with attrition, which
9 is the effect of the benefits you're talking
10 about, is in the downstate region, so we'll
11 be looking at measures that we can take to
12 address attrition and figure out how to
13 retain more people, whether it's geo-pay or
14 other measures that can be taken to make that
15 up. Obviously, you know, the 20-year
16 retirement is one of the factors, but we're
17 going to take on the factors as an agency
18 that we can take on to sort of address that
19 situation.

20 SENATOR MANNION: Thank you,
21 Commissioner.

22 As chair of Disabilities, it's
23 important to be accommodating and create
24 accessible opportunities for everyone. I

1 have not seen but have heard great things
2 about the Autism Trail at Letchworth State
3 Park, and am hopeful that a proposal to
4 create a similar trail at Green Lakes State
5 Park, you know, can occur.

6 Can you let me know whether or not
7 funding will or has been allocated, and can
8 you just generally speak to the expansion of
9 these types of trails across the state? You
10 have 30 seconds. It's been a long day, so
11 whatever piece of that you want to answer is
12 great.

13 COMMISSIONER KULLESEID: Well, I'll
14 just say obviously we're very excited about
15 the Autism Nature Trail at Letchworth. It's
16 entirely privately fundraised.

17 It is something we're looking at for
18 Green Lakes. We are looking -- we're talking
19 to the foundation community. Obviously it
20 needs to go through design and other things
21 first before anything can happen.

22 But certainly coming out of our
23 Central Region, we think it's very exciting
24 because we would love -- when we built the

1 Autism Nature Trail we always hoped that
2 there would be opportunities to replicate it
3 across the state and really across the
4 country. We think it's a great, great, great
5 thing.

6 SENATOR MANNION: Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.
8 Assembly.

9 CHAIRWOMAN WEINSTEIN: We go to
10 Assemblyman Ra, five minutes.

11 ASSEMBLYMAN RA: Thank you, Chair.

12 Commissioner, good evening. I want to
13 go back to what Senator Mannion started with
14 in terms of the Park Police.

15 I know that, you know, the Governor
16 recently, you know, made some announcements,
17 which are great, and having a class coming
18 in. Can you tell me, has the memo from
19 former Governor Cuomo from December of 2019
20 been formally rescinded at this point? Where
21 are we with regard to that?

22 COMMISSIONER KULLESEID: The memo's
23 not been rescinded. But there are plenty of
24 provisions in that that related to a

1 transition into the State Police force.
2 Those are not -- those are not operative.
3 They continue to be under the command of the
4 State Police, but there's -- right now that
5 memo has not been rescinded.

6 ASSEMBLYMAN RA: Okay, thank you.

7 And you talked about some of the
8 issues, geographic pay, 20-year pension.
9 Obviously having a class coming in is great.
10 We know that the force is down and needs to
11 be, you know, rebuilt and all of that. But
12 really one of the important things here is
13 that we ensure that we have a class and we
14 retain these officers. Right? And we keep
15 them and we keep them here and we're not just
16 training to send them to another department.

17 So, I mean, can you speak any further
18 in terms of, you know, the Governor, you
19 know, had it vetoed, said it should be done
20 in the budget. It's not in the proposal. I
21 mean, does -- do you or the agency support
22 enacting that 20-year pension bill?

23 COMMISSIONER KULLESEID: We
24 obviously -- that's something we are working

1 on with the Governor's office. And I think
2 right now, like I said, our focus is on the
3 academy, it's on other measures we can take
4 to address that situation.

5 ASSEMBLYMAN RA: Okay. And lastly, is
6 there a longer-term plan in addition to just
7 this fall academy, plans for future academy
8 classes or any of that? Or is right now just
9 looking at the fall 2022 academy?

10 COMMISSIONER KULLESEID: You know,
11 it's obviously always subject to budget
12 capacities like that, but right now -- this
13 is a course correction, right? This is meant
14 to stabilize and make sure this force
15 continues to be able to meet the needs of the
16 78 million people who visit our parks every
17 year. So no, this is not just a one-off by
18 any means.

19 ASSEMBLYMAN RA: All right, thank you.
20 I just think, you know, and I know many
21 members have expressed, you know, concerns
22 and want to, you know, advocate for this --
23 these officers. I think it's important that
24 we do that, we reinvigorate this force, we

1 rebuild the numbers there. You know, people
2 in our state have been utilizing our parks,
3 they were a great resource during the
4 pandemic. Obviously many of them served --
5 you know, I know myself, I got my vaccination
6 at Jones Beach. You had, you know, testing
7 sites, vaccination sites, and the
8 Parks Police were instrumental in
9 helping make that happen.

10 So, you know, I look forward to -- you
11 know, me and my colleagues are going to
12 continue advocating that we make sure that we
13 have proper staffing within that department
14 so that they're there to keep our residents
15 safe when they're enjoying our beautiful
16 parks. So thank you.

17 COMMISSIONER KULLESEID: You're
18 welcome. And I echo that, you know, we are
19 very much glad to be on a path forward rather
20 than the limbo that we've been in for the
21 past two years. So it's a welcome change for
22 us. Thank you.

23 ASSEMBLYMAN RA: Thank you,
24 Commissioner.

1 CHAIRWOMAN WEINSTEIN: Back to the
2 Senate.

3 CHAIRWOMAN KRUEGER: Thank you.
4 Senator Michelle Hinchey.

5 SENATOR HINCHEY: Thank you.
6 Commissioner, it's great to see you. And
7 thank you, Madam Chair.

8 I actually have had some questions
9 that were answered, so I'm happy to yield my
10 time.

11 CHAIRWOMAN KRUEGER: Wow. Thank you
12 so much, Senator Hinchey. You get extra
13 points.

14 Back to you, Assemblymember.

15 CHAIRWOMAN WEINSTEIN: Do you want to
16 call on another Senator? That would be okay.

17 CHAIRWOMAN KRUEGER: Oh, okay. Thank
18 you. Well then we do have Senator Serino,
19 the ranker on Parks.

20 SENATOR SERINO: Thank you, Madam
21 Chair.

22 Commissioner, it's so nice to see you.
23 And I can't thank you enough for all the time
24 that you've spent in our district, too. It's

1 really meaningful.

2 So my first question is that my
3 understanding is that the Governor's
4 Executive Budget provides enough funding for
5 the agency to begin hiring and training the
6 new Park Police officers. But I was
7 wondering if there's funding from this budget
8 that is specifically earmarked to address
9 like recruitment, training, retention, and
10 the equipment needs of the Park Police
11 officers. And if so, how much and do you
12 know how exactly that would be distributed?

13 COMMISSIONER KULLESEID: So yes.
14 There's not a line item, but our budget -- it
15 comes out of our operating budget. Our
16 budget is sufficient for us to be able to run
17 the police academy, including the recruiting
18 of candidates, and all that's necessary to
19 run an academy.

20 We are also continuing -- we've
21 actually been doing purchases even while sort
22 of the status of the force was in limbo the
23 last couple of years, and those we will
24 continue. I don't know what they are off the

1 top of my head. I can sort of give you a
2 sense or I can get back to you in terms of
3 what the exact amounts are that we're doing
4 now.

5 And then, like I said, you know, we
6 are looking to take the kind of measures we
7 can take in terms of retention and promoting
8 retention, without necessarily needing to
9 have an act of the Legislature or what have
10 you.

11 So I think those are the things that
12 we are -- so we're taking those steps as we
13 can and looking I guess at our flexibility
14 within our current systems that sort of
15 deliver better wages in those areas where we
16 really lose people. Because it is -- it is
17 primarily just a regional thing, right? We
18 don't lose much in the western part of the
19 state. It's really in the metropolitan area
20 that we lose people because of the other
21 opportunities that people have.

22 SENATOR SERINO: And then -- thank
23 you. And then my second question is that
24 I've heard that some of the park zones are

1 unable to communicate via computer with the
2 county 911 calls due to like needed upgrades.
3 I was just wondering if you've heard that.
4 And also, if that is so, what's the plan to
5 fix it?

6 COMMISSIONER KULLESEID: I'm not aware
7 of that. I can get back to you. But I will
8 say that I can -- I'll get back to you on the
9 specifics there.

10 But obviously a lot of our parks are
11 in remote places, right. We have -- just
12 like DEC, we've got parks where it's not easy
13 to get service all the time.

14 I will say, though, we work very
15 closely with local governments, local police
16 forces, local emergency management systems.
17 It's been a great partnership for us across
18 the state. We're always grateful, actually,
19 to local governments who help us in our parks
20 with many situations.

21 SENATOR SERINO: That's great. And
22 then I have another question.

23 During the COVID pandemic the parks
24 across the state have seen an uptick in

1 visitors. And it's great that so many
2 New Yorkers are really getting to the
3 outdoors and seeing all that our region has
4 to offer. But one concern is that some
5 visitors may be less aware of the appropriate
6 precautions to take to protect themselves
7 against Lyme and tick-borne diseases. As you
8 know, Commissioner, I've always said I'm
9 always talkin' ticks.

10 Has your office taken maybe some steps
11 to adapt to this surge in the park and trail
12 utilization with respect to education and
13 outreach efforts about ticks? You know,
14 especially since there's a lot of folks that
15 aren't aware of them.

16 COMMISSIONER KULLESEID: I mean, as
17 you know, right, in terms of Lyme disease,
18 the best preventative is to be educated and
19 know how to handle a tick and know how to
20 look for them and dress appropriately. And
21 that's something we take very seriously.

22 We have lots of -- we always have
23 materials at our biggest trailheads to make
24 sure people are able to learn about it. And

1 I'm looking forward to working with our new
2 commissioner of Health on possible other
3 initiatives.

4 But, you know, I think obviously --
5 and this is, as you know, it's a problem that
6 afflicts not just our public lands but our
7 private lands, right. And so it's one of
8 those things where the more we can get the
9 information out there, the more healthy
10 people will be. So -- because no one should
11 be afraid to go in the woods, they should
12 just be prepared to pick ticks.

13 SENATOR SERINO: Yeah, and I think it
14 does take a multi-agency -- like I think all
15 of us have to get together and really work on
16 this as a team.

17 So thank you so much, Commissioner. I
18 appreciate you answering my questions, and
19 it's great to see you.

20 COMMISSIONER KULLESEID: Good to see
21 you too.

22 SENATOR SERINO: Thank you.

23 CHAIRWOMAN KRUEGER: Thank you.

24 And back to you, Assemblywoman.

1 CHAIRWOMAN WEINSTEIN: We go to our
2 Tourism ranker, Assemblywoman Giglio.

3 ASSEMBLYWOMAN GIGLIO: I want to thank
4 the chair and the ranker on Ways and Means
5 for sticking through this the past couple of
6 days. I know it's been a long couple of
7 weeks for both of you, so thank you for that.

8 And Commissioner, thank you for the
9 great job you're doing for all of our parks.
10 I mean, they were really a lifesaver during
11 the pandemic where families could get out for
12 fun and a healthy environment and just get
13 out of the house. So thank you very much.

14 So I have a few questions. One of
15 them is pertaining to renewables on parkland
16 in New York State and whether or not that
17 would reduce the area of parks and recreation
18 not only for the existing parks but for
19 future buildout of parks. So that is one
20 question.

21 And then as far as the transmission
22 lines and the substations, do we have any
23 parks in mind that these renewables would be
24 built on?

1 COMMISSIONER KULLESEID: So obviously,
2 you know, we have an opportunity at State
3 Parks to model sustainability, as I said
4 earlier. Right? And if we are installing
5 solar and all these kinds of things, it's a
6 way of saying, hey, New York, you know,
7 New York State's doing it, your favorite park
8 is doing it.

9 So I would say by and large it serves
10 a -- you asked about siting. I mean, we are
11 now about -- I think we are about 15 percent
12 right now solarized within our parks. And,
13 you know, we've been able to do that in many
14 cases by carving out a piece of a parking
15 lot, the edge of a parking lot, you know, at
16 Robert Moses State Park on Long Island. And
17 we'll be doing that -- we're doing that in
18 Hudson Valley and certain places in -- in
19 certain strategically placed places that
20 don't affect viewsheds and things like that.

21 So we've not found that it affects our
22 ability to welcome the public to date. We
23 also are able to do stuff on rooftops.
24 Right? We have 5,000 buildings, and so where

1 we can, we're putting it on top of roofs to
2 sort of make sure that we are not disrupting
3 that experience.

4 And obviously as the park agency, our
5 priority is recreation, so we need to be
6 making sure that none of this stuff affects
7 our ability to welcome the public.

8 So -- but it's one of those things
9 that we've been successful at, and I think --
10 and we've solarized 15 percent without
11 looking like we're taking over parks with
12 this stuff. So I'm confident that we can do
13 the siting necessary and make this sensitive
14 and delicate so we can accomplish this
15 without impacting the recreating public.

16 ASSEMBLYWOMAN GIGLIO: Okay. And is
17 there a goal to put these transmission lines
18 underground rather than overhead for future
19 renewables?

20 COMMISSIONER KULLESEID: We -- you
21 know, that's a good question. And maybe this
22 would fall -- we -- in our -- generally, I'll
23 say this, the facilities that we've placed
24 are placed near transmission lines. It's

1 actually -- that's actually a challenge for
2 us at some of our parks because they're not
3 close enough to relay points where they're
4 going to be. So there's a way -- we have a
5 ways to go.

6 Something like Jones Beach, it seems
7 obvious -- all that beach, all that sand, all
8 those parking lots -- but it is actually
9 pretty far from the nearest junction where
10 you can tie it into.

11 So we have some challenges in those
12 areas, but by and large nothing -- we're sort
13 of being strategic still at that point,
14 making sure we're close to those facilities
15 so we don't have to do a lot of overhead
16 wires, no -- by and large we're putting stuff
17 underground so we're connecting in through
18 the underground.

19 ASSEMBLYWOMAN GIGLIO: So speaking of
20 Jones Beach, because that's the beach that I
21 grew up on, is there any plans for a
22 substation nearby so that it's easier to tie
23 into or build the high-voltage lines in order
24 to get the renewables to a substation?

1 COMMISSIONER KULLESEID: There isn't.
2 There's no current plan. It is a park,
3 though; obviously it's important we address
4 this. You know, we have to look at whether
5 we solarize Jones Beach on a building by
6 building basis, right, so we put in smaller
7 facilities linked to buildings so we don't
8 need to be near a larger substation.

9 But it's a -- that is a challenge.
10 That was one that led us to do this at
11 Robert Moses because we were closer to that
12 substation than we are at Jones Beach. But
13 there's no plan right now to build a
14 substation.

15 ASSEMBLYWOMAN GIGLIO: Okay. And then
16 as far as SHPO, the State Historic
17 Preservation Office, which I deal with
18 regularly, I mean they're a great agency and
19 they really help in our historic downtowns
20 and in our tourism areas. But they're very
21 understaffed.

22 So is there any plans to get them
23 additional help so that these projects -- so
24 that they can take care of the state tax

1 credits that are offered so that people are
2 encouraged to keep historic structures on
3 revenue-generating buildings rather than --
4 and tying them with the federal tax credit so
5 that we can preserve more of these historic
6 structures, rather than them being torn down?

7 COMMISSIONER KULLESEID: Obviously our
8 SHPO, all the staff we have at the State
9 Historic Preservation Office are included in
10 our agency fill, so as we hire across the
11 state, and with this new flexibility in our
12 fill level, we'll be hiring at SHPO.

13 We also have had some staff turnover.
14 But, you know, I'm always amazed at the
15 volume of work that is done by that group
16 already. Right? I mean it's amazing that
17 the projects committee -- the number of
18 mega-projects they've delivered not just in
19 New York City but in Buffalo and -- as you
20 said, our downtowns across the state are
21 really put in position to be able to compete
22 with greenfield development because of these
23 tax credits.

24 So we share your enthusiasm for it

1 totally, and we'll make sure that agency gets
2 the resources -- that part of the agency gets
3 the resources they need.

4 CHAIRWOMAN KRUEGER: Thank you.

5 ASSEMBLYWOMAN GIGLIO: Thank you.

6 CHAIRWOMAN KRUEGER: Back to Senator
7 Tom O'Mara, our ranker on Finance.

8 SENATOR O'MARA: Thank you.

9 Good evening, Commissioner. Thanks
10 for being with us.

11 I've just got one quick question. I
12 don't see anything in the budget for a
13 project that's been talked about for a while
14 for Seneca Lake State Park, up at the north
15 end of Seneca Lake, in Seneca County just
16 east of Geneva, a public/private partnership
17 that's been worked on for several years now.

18 Where do we stand on that?

19 COMMISSIONER KULLESEID: You're
20 referring, I think, to sort of an extension
21 of our arrangement with the Sessler
22 Companies. As you know -- I don't have to
23 tell you -- you know, I guess we're three or
24 four years into it now. We have got a

1 phenomenally successful partnership with them
2 at Sampson State Park, right, where they have
3 expanded that and we've been able to expand
4 camping, expand lodging, expand the facility,
5 redo that marina. They are a great partner.

6 We are looking forward to building on
7 that partnership at Seneca Lake State Park.
8 And, you know, we are still sort of talking
9 through the proposals at this point. You
10 don't need to see -- you probably won't see a
11 line item in the budget for that because it
12 can come out -- whatever state share, if
13 there's a state share, it could come out of
14 our existing capital. But we're still
15 talking to the Sesslerers about what that looks
16 like.

17 SENATOR O'MARA: Okay. Thank you for
18 that update. Please keep me advised on
19 what's going on. I do hear from the Sesslerers
20 from time to time, and I know what a
21 fantastic job they did with Sampson -- and I
22 think you agree -- and it would be a great
23 improvement for the north end of the lake to
24 Seneca Lake State Park.

1 So thank you very much.

2 COMMISSIONER KULLESEID: Good. Thank
3 you.

4 CHAIRWOMAN KRUEGER: Thank you.

5 And Senator O'Mara, I was trying to
6 tell the timekeeper you got five minutes, but
7 you didn't even need the three minutes, so
8 you get extra-extra points. Thank you.

9 SENATOR O'MARA: I'm trying to earn
10 some points back.

11 (Laughter.)

12 CHAIRWOMAN KRUEGER: You're getting
13 points back.

14 Assemblymember Weinstein.

15 CHAIRWOMAN WEINSTEIN: Yes, we go to
16 Assemblyman Smullen.

17 ASSEMBLYMAN SMULLEN: Thank you very
18 much, Chair.

19 Commissioner, it's great to see you.
20 A lot of my questions were asked and
21 answered, thank you. But the one I didn't
22 hear about, with my love of history, the
23 250th anniversary of the Revolution, the
24 planning commission. How is that going? I'm

1 fully in support. I really want to get a
2 jump-start on it so we can plan for it in
3 these coming years to make it really special.

4 COMMISSIONER KULLESEID: I think, if I
5 heard correctly, I believe the legislation
6 creating the Revolutionary War Commission
7 passed, maybe even today, that was -- that
8 went -- whether it was chaptered during the
9 last session. So that's really good news.

10 As you know, that is -- I and the
11 commissioner of Education are the joint
12 chairs of that, and we'll be -- we've
13 actually started looking at names to put --
14 to populate that commission. I share with
15 you your excitement. Obviously, you know,
16 New York -- you know, the Revolutionary War
17 started in Boston with that ride, and then
18 ended at Yorktown, but by and large it was --
19 the struggle took place in New York, and
20 state historic sites commemorate -- I think
21 30 of our state historic sites are involved
22 in the Revolutionary War. So New York has a
23 unique and pivotal role in both the war and
24 also describing it.

1 So I am very much looking forward to
2 building that committee. Like I said, we're
3 already taking steps to form the commission.
4 And look forward to working with you because
5 I think there's obviously legislative
6 delegates to that. Look forward to working
7 with you all to build that for the future,
8 because certainly, you know, it will be the
9 next Governor's term to do it and I'm hoping
10 obviously my Governor, Governor Kathy Hochul,
11 will be leading us into 2026 and the
12 250th anniversary of the Declaration of
13 Independence.

14 ASSEMBLYMAN SMULLEN: Thank you very
15 much. I look forward to supporting it.

16 I yield the rest of my time back.
17 Thank you, Chair.

18 CHAIRWOMAN WEINSTEIN: Back to the
19 Senate.

20 CHAIRWOMAN KRUEGER: Thank you.

21 Thank you, Commissioner. I just have
22 a couple of questions for you. It doesn't
23 necessarily relate to parks, but rather the
24 Historic Preservation office under your

1 authority, and you came out with a decision
2 contradictory to the Governor's proposal for
3 a Penn Station rebuild.

4 Now, I'm actually I think mostly on
5 your side of this. Even though I want
6 Penn Station rebuilt, I also don't want the
7 entire community and all the other buildings
8 and the neighborhoods run over.

9 So I'm just curious, you know, how
10 this decision was made, and how are you
11 approaching this now?

12 COMMISSIONER KULLESEID: So thank you
13 for this opportunity, because it is an issue
14 that's been in the press some and it's been
15 out there.

16 So we this spring, because of the age
17 of Madison Square Garden and One Penn Plaza,
18 we did a review and decided -- and looked at
19 it technically, and it is actually eligible
20 for listing. Right? We did not list it.
21 It's not listed on the National Registry.
22 It's just eligible.

23 But that really doesn't mean anything
24 about the future of Penn Station. Penn

1 Station, the whole -- the whole complex can
2 be replaced with a brand-new transit center.
3 It just requires our Historic Preservation
4 Office to be consulted and brought on. And
5 you'll see there are circumstances where
6 something is removed and we may ask that it
7 be interpreted, there's something people need
8 to learn about the history of the first
9 Penn Station, Madison Square Garden, the
10 current one that replaced it.

11 But there's nothing in that
12 designation that impedes the ability to
13 totally reimagine that transportation
14 complex. There's nothing at all in that
15 designation.

16 You're on mute. You're on mute.

17 CHAIRWOMAN KRUEGER: Thank you.

18 The City of New York now has also
19 said, through its City Planning Department,
20 We're not sure about this whole thing. And
21 I'm also glad that people who call themselves
22 urban planners and city planners and people
23 who have an appreciation for the importance
24 of historic preservation and how sometimes

1 the City of New York has jumped too quickly
2 and destroyed too much in our need to grow
3 and modernize.

4 So I hope that you will continue to,
5 you know, participate with your expertise in
6 historic preservation. I know that -- well,
7 who knows after tomorrow. But I think -- I
8 don't represent that block, but I represent
9 blocks near it, and there's an enormous
10 number of respected community organizations
11 and urban planners who have been saying,
12 Okay, we have to take a deep breath here and
13 understand what we need to do and what we
14 maybe don't need to do and still to ensure
15 that we get a 21st century replacement for
16 the existing Penn Station -- because nobody
17 thinks what we have is good. In fact, we
18 never should have torn down the original,
19 because it was gorgeous.

20 So I look forward to, you know, other
21 expertise that your department might have on
22 this issue.

23 COMMISSIONER KULLESEID: That's great.

24 No, our Historic Preservation Office,

1 I'm very proud of our historic preservation
2 office, I think we are the most flexible,
3 integrated group out there. I think we will
4 be part of that process. Looking forward to
5 helping, because no one on our staff wants to
6 save Penn Station. It needs to be fixed.
7 But obviously as you're balancing Madison
8 Square Garden, you're also thinking about the
9 historic assets on the block to the south.
10 Right?

11 So it's a big, very large discussion,
12 complicated, and we will be at the table the
13 whole way through. Look forward to it.

14 CHAIRWOMAN KRUEGER: Great. Thank you
15 very much. I cede the rest of my time.

16 And Assemblywoman, until another
17 Senator surprises me and pops up, it's the
18 Assembly's turn.

19 CHAIRWOMAN WEINSTEIN: Okay. So we go
20 to Assemblyman Tague, three minutes.

21 ASSEMBLYMAN TAGUE: Thank you,
22 Chairwomen. I'm going to be very, very brief
23 because a lot of my questions have been
24 answered as well.

1 Commissioner, thank you very much for
2 giving us your time today.

3 I'm just going to pile on with
4 everybody else with regards to the
5 Park Police. I live within a stone's throw
6 of Max V. Shaul State Park and Mine Kill
7 State Park. Not only are they in my
8 district, but they're within my hometown,
9 home county. The folks from Park Police
10 offered an extra line of defense, protection
11 and safety during this COVID, and I just am
12 in hopes that moving forward that we don't
13 forget them and we realize how important they
14 are to each one of our areas.

15 So like many of my colleagues that
16 spoke today, I'm in full support of
17 increasing the number of Park Police that we
18 have in our parks and our communities.

19 Secondly, you know, I just want to say
20 thank you again. One concern I have is the
21 amount of money that we have budgeted for
22 maintenance within our parks. Recently I was
23 at Mine Kill State Park, and, you know, I
24 noticed some areas there were some

1 maintenance issues. And I'm hoping that
2 we're not letting maintenance slide in these
3 state parks, especially now that there's an
4 increase of folks coming to our parks. I
5 think we want to make sure that they're in
6 the best shape and best condition as
7 possible.

8 We have -- I think somebody mentioned
9 earlier, one of my colleagues, how we have
10 such a unique and beautiful area across
11 New York State, and I think our parks show
12 that. I've been in many in the
13 North Country, the Saratoga region, and then
14 again in my home territory, and they are
15 extremely beautiful and offer a lot to not
16 just residents of New York State, but people
17 that travel through New York.

18 So with that, sir, I'm going to let
19 you comment. And I'll cede back the rest of
20 my time, Chairwoman.

21 COMMISSIONER KULLESEID: Yes, so I'm
22 going to share just -- I think you're right.
23 I mean, I have friends from Massachusetts and
24 New Jersey who come to New York State parks

1 because they're so much better than the parks
2 in their home states. So it's a high
3 standard and a high goal we have to -- in
4 terms of maintaining our parks.

5 Obviously the good news, having --
6 getting more staff and getting more budget
7 room is going to help us to make sure that
8 we're maintaining the parks. I will just
9 note that in particular the Mine Kill --
10 Mine Kill also is a special arrangement, as
11 you know, we have with NYPA, so a lot of that
12 funding comes from them. But I'm glad you
13 raised that point, because it is something we
14 need to do to make sure they're all in
15 excellent shape.

16 CHAIRWOMAN WEINSTEIN: So we move on
17 to Assemblywoman Woerner.

18 ASSEMBLYWOMAN WOERNER: Thank you,
19 Chairwoman.

20 Thank you, Commissioner, for joining
21 us this evening. You and I spoke earlier
22 about the Park Police, and I really
23 appreciate the efforts that you're taking to
24 grow the police force.

1 But I have three questions that I'll
2 stack up really quickly. One, last year we
3 added a Small Projects Tax Credit to the
4 Historic Preservation Tax Credit, and I'm
5 wondering if you could tell us a little bit
6 about how that's going.

7 Secondly, you talked about the capital
8 monies going into improvements in the parks.
9 Can you talk about what you're doing to
10 improve our historic sites? In the face of
11 the 250th anniversary celebration, what are
12 we doing to enhance our historic sites?

13 And then third, on this subject of
14 historic sites, is there a plan for the Susan
15 B. Anthony House in Greenwich that we all
16 contributed money to restoring?

17 Those are my three questions.

18 COMMISSIONER KULLESEID: Okay, just
19 give me the code word for the first one.
20 What was the first one again?

21 ASSEMBLYWOMAN WOERNER: Small projects
22 with the Historic Preservation Tax Credit.

23 COMMISSIONER KULLESEID: So thank you,
24 thank you to the Legislature for coming in

1 behind that. We've seen -- we wanted to
2 expand the eligibility of that credit, make
3 it more like an -- even better, more
4 advantageous for those small projects that
5 are key to upstate communities.

6 I'm not sure -- I mean, we obviously
7 are implementing that change. I don't know
8 exactly what the results are. We can get you
9 what those results are right now. It's
10 pretty early in the process, but I think we
11 see it as something just going to increase
12 the robustness of that program.

13 And then speaking about our historic
14 sites, our historic sites obviously are part
15 of the budget and we have opportunities to
16 invest in -- particularly right now, but not
17 only, our Revolutionary War sites. But I
18 think you're going to hear great news coming
19 out this year at places like Olana. And
20 we're also working at some of the really
21 leading sites downstate like John Jay and
22 other places where we can -- we do have that
23 ability to tell the stories of our Founding
24 Fathers -- I guess we still call them the

1 Founding Fathers. I don't know if there may
2 be a better term these days. And we look
3 forward to continuing to invest in historic
4 sites as well.

5 ASSEMBLYWOMAN WOERNER: Great. And
6 then just lastly the --

7 COMMISSIONER KULLESEID: I'm sorry,
8 and the third one was Susan B. Anthony House.

9 So thank you, yes, and that's a
10 great -- obviously, as you know, the changes
11 that are taking place there. We would
12 love -- as you know, we'd love to have a
13 partner in there because it's remote from our
14 other facilities. But we are looking -- now
15 that it's stabilized, we're very excited
16 about the possibilities. We've made it
17 safer, and all kinds of possibilities. We
18 look forward to working with you. You've
19 been a great supporter of the work we've done
20 there, and we need to keep doing that work.
21 Thank you very much.

22 ASSEMBLYWOMAN WOERNER: Thank you very
23 much. And I look forward to working with
24 your Historic Preservation team on that

1 project. So thank you very much, and I'll
2 cede back the rest of my time.

3 CHAIRWOMAN WEINSTEIN: We go to
4 Assemblyman Brown.

5 ASSEMBLYMAN BROWN: Thank you,
6 Madam Chair.

7 Good evening, Commissioner. It's
8 great to talk to you.

9 My district happens to be -- I have no
10 state parks, but I'm surrounded by -- I have
11 Sunken Meadow, Caumsett, Sagamore Hill,
12 Robert Moses and Captree. And my questions
13 really relate more to park administration.
14 And then I wanted to ask about some programs
15 that we might be able to do, or what may or
16 may not be done.

17 With park administration, you were
18 talking about kind of introducing things that
19 we're trying to accomplish out in the rest
20 of -- non-park areas of New York. And I
21 wanted to ask you about prohibiting, you
22 know, plastic plates and utensils, installing
23 water fountains that fill up, you know, with
24 bottles, the modern type of water fountains,

1 and also setting up the state parks with the
2 ability to recycle compost and
3 nonrecyclables -- you know, the multiple
4 rubbish containers.

5 And then I wanted to ask you about
6 programs like what we could do in terms of
7 possibly working with, you know, some type of
8 partnerships working with the parks to seed
9 clams and oysters and scallops down on
10 Long Island in some of those areas to improve
11 water quality and also serve as educational
12 programs for children.

13 And then finally, I'm a big proponent
14 of scouting. My three boys are involved with
15 scouting, and we love to visit the state
16 parks upstate, particularly Harriman is a
17 popular one. But -- Sages Ravine. You know,
18 we -- I echo what Assemblymember Giglio said
19 before, relative to that the parks were such
20 a lifesaver during COVID.

21 So those are my questions, and I will
22 yield the rest for you to answer. Thank you.

23 COMMISSIONER KULLESEID: So on the
24 plastics. So single-use plastics, we have a

1 policy on single-use plastics. We actually
2 prohibit -- we don't allow our
3 concessionaires to do that anymore. We've
4 moved on for that, so we actually have a
5 pretty strong policy on single-use plastics.

6 Obviously we don't stop people from
7 bringing it in themselves, but we do -- we
8 do -- and then we take out -- again, I just
9 go back to an earlier question, right. We
10 take our responsibility for modeling good
11 behavior seriously. Right? So that's what
12 we want to do.

13 The water stations idea I think is
14 great. Certainly I've been in airports
15 recently and having those water stations is
16 great. We -- we can get back to you. We
17 should have some kind of way of starting to
18 replace our water stations with those really
19 modern water stations. That's the only way
20 we're going to get rid of plastic bottles, if
21 we do it.

22 And then composting, I get it. We'll
23 have to get back to you. I think we may use
24 it in limited circumstances, but this creates

1 the question of managing the composting.

2 And then you asked about seeding
3 clams. You know, I'd be curious as to what
4 kind of ownership we actually have on ocean
5 bottom and things like that. We obviously
6 have the beaches, but in many of those cases
7 the ocean -- the bottoms of it are owned by
8 OGS. But I think if there are places for us
9 to do that, I think it can be very exciting.
10 Right? In Nissequogue or Sunken Meadow,
11 those places where you have a bay and so we
12 could do that kind of thing. And I think
13 something like that would be very exciting.
14 It's actually kind of a great idea.

15 And then back to you and the scouts, I
16 mean, you know, '20 and '21 were stressful
17 years for us, particularly '20 before we knew
18 how the -- you know, what the characteristics
19 were of this pandemic, of this virus. But,
20 you know, we hit record visitation in 2020.
21 And it is a measure of when people had
22 nothing else to do, when they couldn't go to
23 the theater, couldn't go to the restaurants,
24 couldn't do all the things they'd like to do,

1 they could come to parks and enjoy themselves
2 and be healthy.

3 And it was gratifying to me as an
4 honor to be able to stay open during all
5 those times and serve the people of the State
6 of New York and provide a little measure of
7 sanity in an insane situation. Right?

8 ASSEMBLYMAN BROWN: Thank you very
9 much.

10 CHAIRWOMAN WEINSTEIN: We go on to
11 Assemblyman Englebright.

12 ASSEMBLYMAN ENGLEBRIGHT: Yes, thank
13 you.

14 Commissioner, first let me just say
15 you're doing a great job, and you make us
16 proud. And the service that you've provided
17 during these two years of COVID have
18 continued to make many of the people of our
19 state feel optimistic for the future through
20 the management of our parks. So thank you
21 for that.

22 COMMISSIONER KULLESEID: Thank you.

23 ASSEMBLYMAN ENGLEBRIGHT: As you know,
24 the ZBGA program is tied to State Parks

1 because you, through the Natural Heritage
2 Trust, help oversee this parallel system of
3 parks that is in terms of its breadth
4 geographically across the state is analogous
5 to and similar to the state park system that
6 you directly oversee.

7 In the beginning, the ZBGA program had
8 a capital program. Does it still, or is it
9 mostly program and general operating support?

10 COMMISSIONER KULLESEID: At this point
11 it is all about operating support. You know,
12 many of those institutions that come into our
13 grants program for capital support, right,
14 through our municipal grants program for
15 nonprofits, but no, that is really a pure --
16 an operating subsidy. It's an operating
17 payment to help cover the costs, as you know,
18 of caring for living collections.

19 ASSEMBLYMAN ENGLEBRIGHT: So I just
20 wonder if you would be open to exploring the
21 possibility of a capital program. You've
22 been very successful and appropriately
23 aggressive in searching for capital
24 improvements for the state parks system. I'm

1 just wondering if you might be willing to
2 explore perhaps even a matching-grant-format
3 subprogram within the ZBGA for capital
4 investment and improvement of buildings that
5 serve the public there.

6 COMMISSIONER KULLESEID: You know, I
7 can't speak to that.

8 Here's what I can say. Yes, we could
9 manage it. It would make sense. Obviously
10 we've had ZBGA for a long time, and we have
11 longstanding relationships with the 92
12 recipients of that funding.

13 We do have, obviously, an existing
14 program that has four categories, right. It
15 has park development, park acquisition,
16 historic preservation and heritage areas. If
17 a new category would be created, you could
18 create a new category there, you could create
19 a new category of the ZBGA. Obviously if
20 that was enacted at some point we would be
21 more than honored to carry out its
22 priorities. And it's something we're very
23 well prepared to do.

24 And those grants programs, you know,

1 are so vital because often the state grant is
2 the lead grant that then draws in the private
3 funding that's required to follow through.
4 So, you know, it's certainly something we
5 could work on.

6 ASSEMBLYMAN ENGLEBRIGHT: Thank you
7 for your response. It wouldn't be the first
8 time. At the point of beginning, when the
9 program was first set up, there was a capital
10 component. Gradually that was replaced by
11 what we have now, which is very, very
12 important, as you rightly suggest.

13 So let me go to another capital
14 investment funding question. Many of our
15 state parks -- and of course you're the state
16 historic preservation officer, as you are
17 also our commissioner. Many of our important
18 structures, many of which are on the
19 National Register, are vulnerable to fire.

20 I watched with great angst this year,
21 as I'm sure you did as well, as fires ravaged
22 many of the parks in our Western sister
23 states. Hundreds of structures were burned
24 to the ground. We're wetter than they are,

1 but that doesn't mean that we're not
2 vulnerable to vandalism -- some of those
3 fires were set by vandals -- and so it's
4 within the context of being prepared and
5 looking ahead.

6 I wonder if you might be open to a
7 discussion of planning for gradual capital
8 investment for fire suppression and sprinkler
9 systems for certain of our most important
10 public buildings and nationally significant
11 architectural gems within the park system.

12 COMMISSIONER KULLESEID: Thank you for
13 pointing that out. Obviously a lot of our
14 infrastructure predates the days when
15 sprinkler systems were required.

16 So obviously we've taken some steps.
17 I think Olana has a sprinkler system, and we
18 are about to put in -- install a sprinkler
19 system at John Jay Historic Site in Katona,
20 which also has an invaluable collection of
21 treasures from the Jay family. So it's
22 certainly something, as everything, going
23 forward.

24 So we're actually doing that, I should

1 say. You know, we are doing that as part of
2 our capital program. We continue -- we are
3 acutely aware that we have treasures across
4 the state that are irreplaceable. And so we
5 are doing it ourselves.

6 And happy -- and, you know, let me --
7 I'm glad you raised that, because it raises
8 an important point about the money that's
9 been allocated. You know, there's going to
10 be -- there will be sort of big-picture, you
11 know, beautiful projects done, but a lot of
12 that money goes to exactly what you're
13 talking about, retrofitting historic
14 structures, making sure that we have the
15 water systems, the wastewater treatment, all
16 these systems that are very antiquated at
17 this point, and making sure we're updating
18 them so we can preserve and position our
19 entire park system for the future.

20 So I appreciate you pointing it out,
21 because a lot of it is just basic
22 infrastructure, protection of resources.

23 ASSEMBLYMAN ENGLEBRIGHT: Well, you by
24 instinct, I think, have already pointed us in

1 the right direction on this. If there is a
2 way for the Legislature to reinforce that
3 initiative that you've taken -- and indeed, I
4 suspect -- I haven't done a survey of our
5 other sister states, but I suspect that you
6 are ahead of the curve of many of our sister
7 states as well. If there's a way for us to
8 work together on that, I would welcome a
9 chance to collaborate with you and to plan to
10 make sure that we don't suffer terrible
11 losses of our national and state heritage.

12 Thank you again for your good work.
13 Appreciate it very much.

14 COMMISSIONER KULLESEID: Thank you.

15 CHAIRWOMAN WEINSTEIN: Thank you.

16 So we go to Assemblyman Burdick, who
17 is the last questioner for the Parks
18 commissioner.

19 ASSEMBLYMAN BURDICK: Thank you,
20 Chair Weinstein.

21 And thank you, Commissioner. And my
22 family and I just love the state parks. We
23 frequently hike them, and we commend you and
24 your staff on maintaining them so well and

1 improving them. And please keep up the good
2 work that you're doing, the investments.
3 They're just gems that help make New York the
4 wonderful state that it is.

5 I wanted to voice my support for
6 Senator Mannion's pitch regarding creating
7 trails that are accessible to persons with
8 autism, and would encourage you to expand
9 those to other parks where it's appropriate.

10 I also wanted to support what
11 Chair Englebright just talked about with
12 respect to capital programs for fire
13 protection. And in fact your department was
14 responsible for helping funds to the John Jay
15 Homestead, which is in my district. And that
16 was hugely important because that would have
17 gone up in an instant if fire had hit it.

18 And, you know, perhaps an inventory of
19 those gems that do need to have attention
20 given to them, just an assessment, some kind
21 of condition assessment, might be a good way
22 of approaching it. And wondering whether you
23 might be open to that.

24 And I would love to join with

1 Chair Englebright and you in developing
2 something along those lines, because I think
3 we've got a lot of -- you know, then -- and
4 they could well be taken care of as part of
5 what you normally do, but would be very
6 interested in following that.

7 I'm wondering -- I believe that
8 Spectrum Industries, though not in my
9 district, actually now is supplying the gift
10 shops at the state parks. Do I have that
11 right? They support -- they employ people
12 with disabilities?

13 COMMISSIONER KULLESEID: You know,
14 thank you for highlighting that. It's a
15 great new partnership. We now do some sales
16 of our own merchandise -- clothing and
17 glassware and other sort of --

18 ASSEMBLYMAN BURDICK: I just want to
19 thank you for doing that. I think it's
20 terrific. It's providing employment. They
21 do a good job, you know, and --

22 COMMISSIONER KULLESEID: And employ
23 people on the spectrum, right? I mean, it's
24 really --

1 ASSEMBLYMAN BURDICK: Exactly right.

2 COMMISSIONER KULLESEID: It's a great
3 business, yup.

4 ASSEMBLYMAN BURDICK: And was that
5 arranged through the New York State Industry
6 for the Disabled, would you happen to know?
7 I'm just curious.

8 COMMISSIONER KULLESEID: You know, I
9 don't know how that -- we had to put out an
10 RFP, it was an RFP. And they responded to
11 the RFP and they were --

12 ASSEMBLYMAN BURDICK: Okay, that might
13 have been what it was.

14 One last question. Do you have a
15 legislative liaison for SHPO? One of my
16 towns has a matter before them, and I just
17 wanted to check in on it and see how it's
18 proceeding.

19 COMMISSIONER KULLESEID: They --

20 ASSEMBLYMAN BURDICK: Perhaps if --
21 perhaps if someone from your staff might be
22 able to provide me the appropriate contact,
23 that would be terrific.

24 COMMISSIONER KULLESEID: So what I'll

1 do is I'll have our deputy commissioner for
2 intergov, Meagan Fitzgerald, have her get in
3 touch with your office, and she'll point you
4 to the right person at the State Historic
5 Preservation Office. There are plenty of
6 people over there who talk to legislators all
7 the time. So yeah, happy to.

8 ASSEMBLYMAN BURDICK: That's super.
9 Thank you so much. And you're doing a great
10 job.

11 COMMISSIONER KULLESEID: Thank you.

12 CHAIRWOMAN KRUEGER: Thank you.

13 CHAIRWOMAN WEINSTEIN: All right,
14 we'll send it back to the Senate to call our
15 next witness.

16 CHAIRWOMAN KRUEGER: Thank you very
17 much, Assemblywoman.

18 All right, we are on our last
19 government official for this hearing,
20 New York State Department of Agriculture and
21 Markets Commissioner Richard Ball.

22 I'm assuming Richard's here somewhere.
23 Richard?

24 COMMISSIONER BALL: Senator, how are

1 you?

2 CHAIRWOMAN KRUEGER: Oh, good.

3 Welcome. This is sometime in the afternoon.

4 We got to you.

5 And you know the routine, you've been
6 a commissioner now for quite a while. So we
7 all have your testimony, but if you could
8 summarize your key points in 10 minutes, then
9 we will ask you questions.

10 COMMISSIONER BALL: Sounds great. And
11 I would suggest that maybe you're all getting
12 ready for a career in agriculture, you know,
13 being willing to stay until the job is done,
14 right?

15 CHAIRWOMAN KRUEGER: That's right.

16 COMMISSIONER BALL: I can do it in
17 five minutes, if you don't mind.

18 So I originally was going to say good
19 morning, but I'll say good evening,
20 Chairwoman Krueger, Chairwoman Weinstein,
21 Senator Hinchey, Assemblywoman Lupardo,
22 members of the agriculture committees, and
23 elected officials. I am honored to present
24 my testimony on the fiscal year 2023

1 Executive Budget for the Department of
2 Agriculture and Markets.

3 This year's Executive Budget
4 recommends \$273 million for the department,
5 allowing us to continue our fundamental work
6 and to build exciting new programs that will
7 drive New York agriculture forward.

8 The proposed budget makes significant
9 investments in the agricultural industry
10 unlike anything we've ever seen. This
11 includes a robust tax credit package that
12 will offset increased costs to farmers,
13 helping them to both support their workers
14 and meet food production goals as they face
15 continued challenges, including from
16 COVID-19.

17 I am proud of what New York
18 agriculture has accomplished during the
19 pandemic to ensure that the food supply chain
20 stays open. A big part of this work is the
21 Nourish New York program. So far, Nourish
22 New York has helped food banks to purchase
23 43.7 million pounds of products from New York
24 producers. This translates to 41 million

1 meals for families in need and financial help
2 for more than 4,000 agricultural businesses.
3 We're excited that Governor Hochul has
4 proposed \$50 million to continue this
5 program.

6 Expanding programs like SNAP, the
7 Farmers' Market Resiliency grant program, and
8 the Urban Farms and Community Gardens grant
9 program will additionally make local food
10 accessible to more residents. Plus, moving
11 the School Lunch Program from the State
12 Education Department to our department will
13 better connect schools and farmers and boost
14 local production.

15 The Executive Budget also increases
16 funding for Agribusiness Child Development
17 Centers, which had to close their doors
18 during the early days of the pandemic,
19 leaving our essential farmworkers facing
20 difficult choices when it came time to
21 balance work and childcare. The budget's
22 historic \$13.5 million investment in these
23 centers will help support farmworker families
24 and keep New York's agricultural industry

1 working as the pandemic continues.

2 Lending further assistance to farmers
3 and their families, the Governor has
4 committed critical funding to bring more
5 farming opportunities to New Yorkers in
6 historically marginalized groups. Members of
7 the department's diversity and racial equity
8 listening sessions outlined several
9 recommendations to help us better address
10 underrepresentation in agriculture. I'm
11 encouraged that the Executive Budget will
12 help us take steps to advance this important
13 work.

14 Another noteworthy inclusion in the
15 Executive Budget this year is the Companion
16 Animal Capital Fund. Governor Hochul has
17 dedicated \$5 million to revitalize the animal
18 shelters that care for our dogs and cats,
19 recognizing the Legislature's longstanding
20 commitment to this program and highlighting
21 the importance of these shelters to our
22 communities.

23 The Great New York State Fair will
24 also be invigorated by a \$33 million

1 investment for planned infrastructure
2 projects and improvements to the fairgrounds.
3 This is in line with Governor Hochul's effort
4 to provide an enhanced experience for
5 fairgoers and strengthen educational
6 programming to make the fair a real showcase
7 of New York agriculture.

8 Further supporting the agricultural
9 industry, the Executive Budget proposes
10 \$43 million in local assistance for key
11 programs focused on research, education,
12 workforce development, marketing, and more.
13 This is a significant increase from last
14 year's budget, thanks in part to the
15 opportunity to reinstate funds for the
16 Taste NY program at the department. Governor
17 Hochul is also expanding the NYS Grown &
18 Certified Infrastructure, Technology,
19 Research, and Development grant program to
20 help producers adopt state-of-the-art food
21 safety and environmental practices and help
22 them better meet demand.

23 And last, but certainly not least, we
24 also continue to aggressively tackle climate

1 change. Thanks to the Governor's proposed
2 \$400 million investment in the Environmental
3 Protection Fund, we will see a meaningful
4 expansion of several programs, including
5 Farmland Protection, Cornell Soil Health, the
6 Soil and Water Conservation Committee, and
7 the Agricultural Non-Point Source Abatement
8 and Control program. In addition, the
9 Climate Resilient Farming program will
10 receive an increase from \$4 million to
11 \$17.5 million, helping farmers further their
12 efforts to combat climate change.

13 We have a lot to be proud of when it
14 comes to New York agriculture, yet there is
15 more work to be done. We look forward to
16 hearing your priorities and working with you
17 to strengthen the agricultural community.

18 So thank you.

19 CHAIRWOMAN KRUEGER: And our first
20 questioner will be Agriculture Chair Michelle
21 Hinchey.

22 SENATOR HINCHEY: Thank you very much,
23 Madam Chair.

24 And hello, Commissioner, it's great to

1 see you. Thanks for joining us tonight, and
2 thank you for your testimony.

3 My first question -- you know, I was
4 really excited, I know many were, to see the
5 move of the school food program from SED to
6 Ag & Markets. Can you talk a little bit
7 about why Ag & Markets -- how you're equipped
8 to handle that, why it's you think the best
9 place for it, and how other states have seen
10 their production improve.

11 COMMISSIONER BALL: Well, sure.

12 Let me just start by saying that we
13 definitely have today -- for me, at the
14 Department of Ag & Markets -- a new era of
15 collaboration with State Education that we've
16 never had before. We've worked together on
17 farm-to-school efforts, we've worked together
18 on No Student Goes Hungry. Commissioner Rosa
19 and I have -- talk often. I don't think the
20 department has ever had a better relationship
21 with that department.

22 I brought her virtually with me to
23 Cayuga Milk Marketing in Auburn, New York, to
24 meet with the Dairy Think Tank, to look at

1 processing facilities and look at how we
2 could identify career paths. I went with her
3 down to the Bronx to C.S. 55 to see the Green
4 Box Machine, talk about the needs to connect
5 our young people with food in a better way.
6 We talk often; our teams talk often. It's a
7 great relationship.

8 So for me, I think back to Farm to
9 School. It was some 25 years ago when I got
10 dinged to be a part of a volunteer to be the
11 farmer on a committee at my local school,
12 Schoharie Central School, and it was
13 concerned with obesity and children before
14 the age of five years old. And I thought,
15 what are we talking about here? I don't
16 understand this. But it was real.

17 And then I walked around the corner
18 and talked to the school nutrition people,
19 and I noticed there was not one thing on the
20 menu that came from New York State. There
21 was not one thing on the menu that came from
22 my valley, the Schoharie Valley you've been
23 to, one of the most productive
24 vegetable-growing areas in the state, top ten

1 soils in the world. And I said, why is this?
2 How can this be?

3 It bothered me that we weren't growing
4 food for our own students, but it bothered me
5 more that those students were going to grow
6 up, they were going to leave Schoharie and
7 not know what was an opportunity for them in
8 the food system two miles down the road from
9 that school.

10 We've always made decisions, you and I
11 in our lives, based on value -- when we buy a
12 coat, we buy a car, we buy a house, we buy a
13 pair of shoes. When we buy food, we make a
14 value-based decision. And when it comes to
15 feeding our children in schools, we make an
16 economic decision. We tell the school board
17 or the school board tells our school
18 nutrition people in the cafeteria: Break
19 even. Break even. Use USDA funds and, you
20 know, get Department of Defense surplus, and
21 we'll fund you enough to break even.

22 And I think we've got to change our
23 thinking about our kids. It's about feeding
24 our kids high value. Right now with the USDA

1 program, millions of dollars come into
2 New York State to feed our kids through the
3 school system. Most all of that money comes
4 into the state and is spent outside the
5 state procuring food. I think we need to do
6 a better job making sure that that money
7 stays in New York, helps our local economies,
8 and helps children identify a career path.

9 So I think we have a great opportunity
10 here. We work closely with USDA, it's a USDA
11 program. Through our linkage to the
12 agricultural communities through our
13 farm-to-school efforts, through our work with
14 the School Nutrition Association who operate
15 the school nutrition program, to the various
16 commodity groups, I think we can keep more of
17 those dollars in New York State and in our
18 rural economies, and also connect our kids to
19 the food system. I think we'll have better
20 health outcomes and I think we're going to
21 have better economic outcomes in our rural
22 communities.

23 SENATOR HINCHEY: Thank you very much.

24 Switching gears for a moment, we know

1 and you know the average age of a farmer is
2 increasing almost yearly, and connecting our
3 soon-to-be-retiring farmers with new farmers
4 coming into the industry is incredibly
5 important. And one of the organizations that
6 does that really well is Farmland for a
7 New Generation.

8 We saw that this funding was cut in
9 the Executive Budget. Can you speak to that
10 briefly and talk about why that funding is so
11 important?

12 COMMISSIONER BALL: Well, you're quite
13 right on the average age. It's actually 57.
14 That's the average age of a farmer in
15 New York State.

16 That's not all bad news, though. I
17 was able to call my mom and tell her that I
18 was finally above average, so.

19 The American Farmland Trust and
20 Farmland for a New Generation, they're great
21 partners. We work with them on lots of
22 different energies and lots of different
23 projects and talk with them pretty much every
24 week.

1 This was funding that was added last
2 year by the Legislature. It was not in the
3 Executive Budget. And -- but they're great
4 partners. They help us with solar and they
5 help us with land. They've been great
6 partners with us in our diversity work as
7 well. So great partners.

8 SENATOR HINCHEY: Thank you. You
9 know, we know already that we have
10 underserved farms, especially economically.
11 All of our farms are tied, both federally as
12 well as through big corporate entities, and
13 not be able to set your own prices for food.
14 And we know with the Wage Board's decision
15 that came out, that's part of the reason why
16 in this budget the Executive proposed the
17 Overtime Reimbursable Tax Credit.

18 Can you also briefly touch on why that
19 is such an important element for our farmers
20 and for our farms here in New York State?

21 COMMISSIONER BALL: Sure. I would say
22 that the labor shortage that we're
23 experiencing all across the country right
24 now, and certainly in agriculture, certainly

1 here in New York State, is real. It's
2 probably not over, and I expect it's going to
3 be long-lasting.

4 I think we need to remain focused on
5 ensuring the needs of our ag community,
6 that's our job here, the workers and the
7 community's needs, that they're met
8 statewide. So I'm encouraged by the
9 investment in agriculture by the Governor
10 here. You know, three pretty robust tax
11 incentives, a 20 percent investment tax
12 credit, moving that up from 4 percent, and
13 doubling the Farmworker Retention Tax Credit;
14 a permanent refundable tax credit on overtime
15 hours. I think those are three strong
16 signals that she is sending to our
17 agriculture community that they matter.

18 This is without a doubt, looking
19 across the budget -- and we'll talk about
20 that in the next little bit here -- but this
21 is the most significant investment in
22 agriculture in New York State in history.
23 It's the biggest budget I've ever seen.
24 Biggest in my experience as a farmer in

1 New York State.

2 So I think that regardless of what
3 happens with the Wage Board decisions -- we
4 know they've made a recommendation -- that
5 continuing to reassure the agricultural
6 community, particularly in a time of pretty
7 dramatic uncertainty -- with COVID-19, with
8 what's going on around the world and the
9 country -- we need a food system that's
10 responsive and resilient right here in
11 New York, and I think our budget demonstrates
12 that.

13 SENATOR HINCHEY: Thank you. And
14 another question. Ag & Markets put out a
15 "Diversity in Agriculture" report that
16 recommended a \$10 million investment to
17 increase diversity in farming. But what we
18 saw in the Executive Budget was about
19 \$150,000 in new funding going towards BIPOC
20 farmers. Can you talk a little bit on what
21 we should be doing there, and do you think
22 that a \$10 million grant program for BIPOC
23 farmers to be created, would that help get to
24 the goals of the "Diversity in Agriculture"

1 report?

2 COMMISSIONER BALL: Yeah, that report
3 listed what we heard from a group of people
4 that we called in based on friendships and
5 friends of friends. It was a great exercise.
6 We listened. I think the first thing to do
7 was listen.

8 But I think there's more in various
9 other programs we've got going on to
10 contribute to the cause. First and foremost,
11 you know, what we listened to and centered
12 the discussion around was access to land,
13 access to capital, access to training, and
14 then navigation. So COVID-19 kind of blew up
15 on us right in the middle of all that work.

16 But we've got funding in there and
17 here at the department to replace the staff
18 that we lost during COVID-19, to help us be
19 the navigation point going forward, to
20 interact with the listeners that were part of
21 the workgroup. And when I say listeners, I'm
22 talking about the banking industry and
23 Cornell, the land grant schools, our high
24 schools, our ag schools, and the Farmland

1 Trust was also a part of that.

2 There's programs happening in various
3 places nested around in there. And I think,
4 first of all, connecting to the disconnects,
5 connecting to the banking system, the small
6 farms training programs and those
7 opportunities -- American Farmland Trust.
8 Then I think we'll make better use of the
9 funding.

10 But that's definitely in the report.
11 There's 18 other recommendations in that
12 report. And I think we just have to be
13 thoughtful about how we implement them.

14 So going forward, first of all, we've
15 got our staffing getting back in place.
16 We're ready to hit the ground running here.
17 Thank you for that question, though.

18 SENATOR HINCHEY: Thank you very much.
19 I'm out of time.

20 CHAIRWOMAN WEINSTEIN: We go to the
21 Assembly chair of Agriculture, Assemblywoman
22 Lupardo, 10 minutes.

23 COMMISSIONER BALL: Assemblywoman, I'm
24 not hearing you.

1 CHAIRWOMAN WEINSTEIN: We're not
2 hearing. We need you to --

3 SENATOR HINCHEY: Try the button on
4 the bottom of the computer screen. That's
5 what gets me. There's usually a little
6 microphone with a light.

7 CHAIRWOMAN WEINSTEIN: Donna, try
8 logging -- we are not hearing you. We've
9 been having a number of problems with
10 members. You may have to log out and log
11 back in. We had the same issue with
12 Assemblywoman Buttenschon. If that doesn't
13 work, we can get tech up to help you.

14 So while the Assembly --

15 (Overtalk.)

16 CHAIRWOMAN KRUEGER: Sorry. You want
17 to continue, Helene?

18 CHAIRWOMAN WEINSTEIN: Yeah, we'll go
19 to Assemblyman Tague, the ranker on Ag, and
20 then we'll come back to Assemblywoman
21 Lupardo.

22 ASSEMBLYMAN TAGUE: Well, thank you
23 again, Chairwomen. It's been a long day.

24 Commissioner, it's always good when I

1 have to come to Albany to see you and you're
2 my neighbor.

3 COMMISSIONER BALL: I know it.

4 ASSEMBLYMAN TAGUE: But I appreciate
5 everything that you do for agriculture. It's
6 an honor and a pleasure to work with you.

7 Just a few brief things. You know, I
8 think that it's important that everybody
9 understand -- we keep bringing up this
10 terrible tragedy with the pandemic, but the
11 state of agriculture was not very good prior
12 to the pandemic. And a lot of those are --
13 we've put our farmers in what I would call an
14 unfair playing field. And I think that we
15 realized during the pandemic that those
16 issues exist.

17 And I want to start off with the
18 Wage Board. I appreciate the Governor
19 offering the tax credit, but to be quite
20 honest -- there are five or six of us that
21 are on this call that have been farmers or
22 are still farmers. We need to be honest.
23 That tax credit is not going to make up for
24 the cost that labor is going to cost these

1 folks. And there's not going to be an
2 increase that these farmers are going to get
3 paid for their product, because that's
4 decided by the market.

5 You know, I -- Commissioner, I don't
6 know what your feeling is on the Wage Board
7 decision, but I would hope that you have the
8 Governor's ear, as it was only a
9 recommendation. She has the final say. I
10 don't think that the time is right now to
11 lower the threshold.

12 Secondly, I want to quickly talk about
13 the Nourish New York program. In its small
14 bit of time here since its inception, I know
15 that we've budgeted 50 million. I have
16 actually asked for an increase up to
17 100 million. I think it's a very important
18 program.

19 And I actually have a bill in the
20 State Assembly, it's been there since 2021,
21 it's called the New York Food Insecurity,
22 Farm Resiliency and Rural Poverty Act. And
23 what that does is along with that Nourish
24 New York program, it has infrastructure

1 improvements for food banks and farms, cold
2 storage equipment for local food pantries and
3 nonprofits. It also helps for funding with
4 transportation equipment, personal service
5 cost assistance, purchasing assistance for
6 regional food banks to buy just New York
7 agricultural goods. And it also has grants
8 to assist farmers, veteran farmers, disabled
9 farmers, and anyone who would want to enter
10 or remain involved in New York agriculture.

11 I wondered if you had heard about that
12 bill.

13 COMMISSIONER BALL: I did read it.

14 ASSEMBLYMAN TAGUE: Oh, okay, great.

15 COMMISSIONER BALL: Yeah. Yeah.

16 ASSEMBLYMAN TAGUE: So I guess -- just
17 finishing up because we're going to run out
18 of time and I want to give you enough time to
19 answer. In the short time that we've had
20 this Nourish New York program going, what has
21 been your feeling of the greatest strengths
22 and possibly the greatest weaknesses? What
23 can we do better? Besides get my bill to the
24 floor and pass it, what else can we do,

1 Commissioner?

2 COMMISSIONER BALL: Well, thank you.

3 I appreciate your thoughts always.

4 I think that with relationship to the
5 state of ag, if I can go back to that, I
6 think we're -- you know, we've had an uneasy
7 economy for a long time in upstate New York.
8 We've been insulated from the ups and downs
9 that the rest of the world has suffered
10 through or had. But I think our greatest
11 opportunity, as I look at it, is the fact
12 that we've got good land, good farmers. We
13 rank top 10 in the country on 30 different
14 commodities. We've got the best land grant
15 system for ag education in the country.
16 We've got access to water. And we live, you
17 know, a few hours away from the biggest
18 marketplace in the world, the most diverse
19 marketplace.

20 And so for me, you know, at the
21 Department of Ag, I think our mission is to
22 work very hard on connecting the dots between
23 those two. So, you know, we're building a
24 food hub in the South Bronx right now,

1 New York State Grown & Certified food hub to
2 take local New York product, distribute it in
3 the five boroughs down there. I got to put a
4 shovel in the ground last spring, and I got
5 to sign the last beam going on top of it here
6 this fall. It's pretty exciting.

7 I think that demonstrating an
8 investment -- and COVID-19, you know, I know
9 we're all feeling done with COVID-19. I'm
10 not sure COVID-19 is done with us yet. But
11 one thing it did, Assemblyman, was shine a
12 very bright light on the food supply chain,
13 both ends, and the challenges that are there.
14 Challenges that, you know, you observed. So
15 I think with that light being shone so
16 brightly on it, I think we're compelled to
17 act.

18 We do have in the budget a New York
19 State Grown & Certified infrastructure grant,
20 and it's -- there's three different pieces to
21 that that deal with helping farms upstate to
22 accommodate the demand for what's needed
23 downstate. There's \$5 million there over
24 three years. There's half a million dollars

1 in various stages of that grant.

2 So I think those are ways that will
3 help us connect the dots in a better way.
4 But thank you for your observations, and
5 great question.

6 ASSEMBLYMAN TAGUE: Thank you. Thank
7 you too, Commissioner. I really appreciate
8 it.

9 CHAIRWOMAN WEINSTEIN: So we'll go
10 back to the Senate and then we think
11 Assemblywoman Lupardo should be good to go
12 when we come back.

13 CHAIRWOMAN KRUEGER: Very good.

14 So we're going to pass it to Senator
15 Tom O'Mara.

16 COMMISSIONER BALL: Senator.

17 SENATOR O'MARA: Thank you.

18 Good evening, Commissioner. It's good
19 to see you. Thanks for being with us late
20 this evening.

21 A couple of issues I'd like to talk to
22 you -- one we talked with Basil Seggos a
23 little bit earlier about, and that's the
24 solar farms and farmland. I have concerns

1 with, you know, some of the things I've seen
2 across the Southern Tier and in the
3 Finger Lakes region on the solar farms
4 becoming more prevalent, encroaching upon our
5 using agricultural land. And in conjunction
6 with the recently approved Farm Wage Board
7 reducing minimum wage, and a lot of the
8 testimony at those hearings from farmers that
9 just in response to the lowering of the
10 overtime wage threshold they may be cutting
11 back on their farm production, whether it's
12 the crops they grow or whatever, in order to
13 limit the need for that many man-hours,
14 because it will be too expensive. And these
15 solar farms will present an opportunity for
16 those farmers to make some revenue on the
17 land that they may not be using because of
18 the impacts of the overtime threshold.

19 What is the state doing, what are you
20 doing with regards to these issues on -- how
21 are we going to preserve this farmland when
22 it may be the costs of production and farming
23 in New York are going to be much higher with
24 the overtime, from keeping farmland from

1 going to be covered with solar panels?

2 COMMISSIONER BALL: Yeah, that's
3 definitely the issue of the day. Certainly
4 the decade, probably.

5 I remember when the first solicitation
6 for solar projects landed on my desk at home
7 on the farm, and here at the department. I
8 remember calling up Farm Bureau, and I said,
9 you know, "What's your policy on solar
10 development?" And they said, "Well, we don't
11 have one." And really, you know,
12 Farm Bureau's kind of conflicted because
13 there's private property rights, there's
14 landowners, and there's the right to farm and
15 the concern over production agriculture on
16 the other side.

17 So we're trying to balance that.
18 We've had pretty dramatic conversations with
19 NYSERDA about avoiding our top four tiers of
20 soil. And as you know, 60 percent of our
21 land that's farmed in New York, 60 percent of
22 7 million acres, is leased land, it's rented
23 land. So it's vulnerable to, you know, a
24 developer wanting to, you know, get a better

1 lease deal for the landowner there. So we
2 worry about that and making sure we have the
3 foodshed.

4 We have a pretty historic investment
5 in farmland preservation, as you know.
6 That's another option for a farmer. We are
7 increasing that to 20 million this year.
8 We're looking at a successful dairy
9 transitions program there, and the non-dairy
10 transitions program there, shifting over to
11 an RFA process that will speed that along.

12 But I think, you know, the biggest
13 concern I have about our agriculture in the
14 state is really the uncertainty that we're
15 facing. Hopefully with this budget we're
16 going to link some security and some
17 certainty going forward here. That's
18 certainly our effort.

19 I will say also that we have put
20 together a Farmland Preservation Workgroup,
21 which is -- it's county people, it's farmland
22 preservation groups across the state,
23 municipalities, farmers. And it's the
24 agencies that have a piece of this -- ORES,

1 Ag & Markets, NYSERDA, DEC. I get to chair
2 that, and we're hearing those concerns
3 brought up. We're bringing in developers,
4 we're bringing in American Farmland Trust,
5 among others, to talk to the group and
6 educate them and help us figure out the best
7 way forward.

8 But we're definitely concerned
9 about -- we don't want to have a loss of
10 farmland.

11 SENATOR O'MARA: Yeah. No, I agree.
12 Well, I'm glad you're focusing on it and
13 paying some attention to it.

14 And in my remaining seconds I just
15 want to make sure I put another thing on your
16 radar, which I'm sure you're aware of, and
17 that is our -- and there will be more
18 discussion in the panels coming up on
19 recycling and extended producer
20 responsibility. And our wineries in the
21 Finger Lakes region are becoming increasingly
22 concerned that they're not being heard with
23 their concerns over entering into this and
24 what will be a very costly endeavor for them.

1 So if you could just keep that on your
2 radar and take that back with your
3 discussions, I would appreciate it. Thank
4 you.

5 COMMISSIONER BALL: I did get an
6 earful of that, actually, at the Ag Society
7 meeting, and I elevated it immediately. So
8 we'll have more to say about that. Thank you
9 for --

10 SENATOR O'MARA: Great, thank you.
11 Have a good evening.

12 COMMISSIONER BALL: You too.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Back to you, Assembly.

15 CHAIRWOMAN WEINSTEIN: Okay, I
16 think -- hopefully Assemblywoman Lupardo is
17 good to go, 10 minutes.

18 ASSEMBLYWOMAN LUPARDO: Okay. Can you
19 hear me now?

20 COMMISSIONER BALL: I can.

21 ASSEMBLYWOMAN LUPARDO: "Can you hear
22 me now?" Hey, fantastic.

23 Well, good evening, Commissioner.

24 Thanks for sticking with us today. I want to

1 follow up on a couple of things.

2 You're certainly right to point out --
3 and congratulations, by the way, for such a
4 good ag budget this year. I think we've all
5 been working very hard to try to elevate
6 agriculture, and I think we're accomplishing
7 something with this budget.

8 But you mentioned the Climate
9 Leadership and Community Protection Act and
10 also the additional funding that has come in
11 through the resilient farming as well as the
12 Soil and Water Conservation Districts. Let's
13 just talk about those two first before we go
14 back to CLCPA.

15 Thirteen million dollars more for
16 climate-resilient farms, 4 million more for
17 soil and water conservation. What do you
18 see, what do you envision us doing with that
19 funding?

20 COMMISSIONER BALL: Well, as you know,
21 the CLCPA created the Climate Action Council,
22 which created, then, work panels. I have a
23 seat on the CAC, but I also chaired -- had
24 the good fortune to chair 18 very bright

1 people on the Ag and Forestry Work Panel.
2 They were researchers, they were farmers,
3 they were forestry people, ag people, and
4 environmentalists as well. And we came to
5 consensus about a scope of work that
6 agriculture could undergo.

7 And actually the good news about
8 agriculture is we can be part of the answer
9 here. We're not just trying to reduce
10 things, we can actually sequester carbon in
11 addition to reducing greenhouse gases. So
12 we've got a really good scope of work which
13 we had total consensus of in our work panel.

14 So how's that going to get done?
15 Well, first of all, it's the soil and water,
16 the statewide committees there, they're the
17 people that provide the technical expertise
18 and the funding and the programs to help
19 farmers in their regions to do the work that
20 it's going to take to reduce their carbon
21 footprints in New York State agriculture.

22 So we lean on them more and more every
23 year, and they respond more and more every
24 year. I can't say enough about the soil and

1 water conservation committees as a whole.
2 High energy, high knowledge, high resources.
3 And our job is to make sure they do have
4 those resources to do the work:
5 \$17.5 million from climate resiliency is
6 going to help farms take those steps that
7 they're going to need. It's been
8 overfunded -- I should say oversubscribed
9 every year since we started that. I remember
10 one year walking around New York State, we
11 had the worst drought in history. The
12 following year we had the wettest year on
13 record. The Climate Resiliency Farming
14 program can help farmers mitigate both those
15 extremes.

16 And as we look forward to, you know,
17 this climate challenge and greenhouse gas
18 emissions, et cetera, we need to do more of
19 that. Because the benefits that we saw from
20 a decade of great programs, largely designed
21 to protect water quality, largely designed
22 around environmental benefits, also have that
23 other great co-benefit of helping us with
24 carbon and soil health and mitigating

1 greenhouse gases.

2 So that's why those two things are
3 critical. And that's how they're going to
4 work.

5 ASSEMBLYWOMAN LUPARDO: You see those
6 as the most important strategies,
7 agricultural strategies coming out of the
8 CLCPA, or are there some other items as well?

9 COMMISSIONER BALL: Oh, there's pages
10 of items. You know, the scoping plan -- I
11 invite you to take a look at it -- there's an
12 awful lot on the forestry side with our DEC
13 partners there, and there's a great amount of
14 effort that we can achieve there in carbon
15 sequestration.

16 On the agricultural side, you know,
17 methane mitigation, enteric fermentation,
18 digesters -- there's a whole list of really
19 great things that we can work on. I can
20 share that with you if you'd like.

21 ASSEMBLYWOMAN LUPARDO: No, I think I
22 can put my hands on that, thanks.

23 Let's go back to the overtime tax
24 credit issue. So if that were to go into

1 place this year, then farmers would be able
2 to apply for that credit based on the current
3 overtime threshold; correct?

4 COMMISSIONER BALL: My understanding
5 is that if there's a lowering, that that's
6 when it kicks in. But those are details I'll
7 have to get for you.

8 ASSEMBLYWOMAN LUPARDO: I see. I'd
9 appreciate knowing that.

10 I think many of us are beginning to be
11 concerned that farmers might in fact need
12 direct aid to cover this cost when the time
13 comes --

14 COMMISSIONER BALL: -- 2024.

15 ASSEMBLYWOMAN LUPARDO: Excuse me?

16 COMMISSIONER BALL: That would take
17 effect in 2024, I believe.

18 ASSEMBLYWOMAN LUPARDO: Yes, in two
19 years.

20 So there's just some worry that the
21 margins are so small that they may not be
22 able to wait for the tax credit. So I just
23 wanted to flag that, obviously. And as we go
24 down the stretch in years to come, it could

1 become even more urgent.

2 Obviously, you know, my thought's on
3 this that, you know, we're surrounded by
4 states that aren't following this policy --
5 as well as the federal government that is,
6 you know, working under very old wage rules.
7 So I think farmers are going to probably need
8 some assistance on a number of measures, in a
9 number of ways, in order to help them get
10 through that. But we have time, obviously,
11 to go through that further.

12 Could we go back to the topic that
13 Senator Hinchey raised with the Diversity and
14 Racial Equity Working Group? I'd like to
15 hear a little bit more about -- you alluded
16 to the fact that there are other places that
17 we would be able to tap. I mean, obviously
18 really appreciate the funding for the Black
19 Farmers United, really appreciate your
20 actually putting on budget Cornell's
21 Equitable Farm Futures and putting that one
22 FTE in for BIPOC farming engagement.

23 But we were just still a little
24 confused with the report, you know, asking

1 for setting aside a \$10 million goal,
2 wondering where might we add some additional
3 resources. So, you know, I was just curious.
4 You know, we're talking about the
5 recommendations on access to land, access to
6 capital, education and training as well as
7 infrastructure and resources. So just
8 curious if you could point us in some other
9 places where that group might be getting
10 assistance.

11 COMMISSIONER BALL: Sure. We're
12 putting \$50,000 into MANRRS, which is
13 minority students interested in careers in
14 agriculture and natural resources. We have a
15 chapter at Cornell. We're looking at
16 increasing chapters across the state at some
17 of our other land-grant schools.

18 Those are young people in college now
19 looking for careers in the agricultural
20 world. I was on the phone last night
21 nationally with the MANRRS chapters. We're
22 bringing them, we're sponsoring some of them
23 to come to the Winter Policy Council in
24 Washington, D.C., for the state departments

1 of agriculture. A great group of young
2 people.

3 We've got the -- you mentioned the
4 Cornell Small Farms Equity and Justice
5 Program. There's \$100,000 there. Great
6 effort there.

7 There's \$800,000 in the Urban Farms
8 and Community Gardens Grant Program. So
9 we're connecting not just upstate land but
10 also a lot of the work that's being done in
11 these groups is urban. And a great
12 opportunity there to help them connect, fund
13 themselves, find better ways to get ahead.

14 In the access to capital side,
15 certainly our \$25 million Grown & Certified
16 Program. That's 5 million a year for the
17 next five years. It's going to be a big
18 help. BIPOC farmers are eligible for that
19 money. Opening up the gateway to allow them
20 to participate in our Farmland Preservation
21 Program with our land trust.

22 So there's a lot of opportunities
23 there. First and foremost, though, I think
24 we've got to spend a little time making sure

1 we connect, you know, to the land trust, to
2 the Farm Bureau, to Cornell, to the banking
3 system in New York. A lot of linkages there
4 that need to happen. We're -- I'm excited
5 about the progress; at the same time, it's a
6 bit daunting.

7 ASSEMBLYWOMAN LUPARDO: Well, we're
8 certainly willing to help you in any way
9 possible to connect those dots. You are the
10 chief dot connector, but we're very
11 interested in engaging with you on that.

12 COMMISSIONER BALL: Very kind of you.

13 I would just add one more thing, which
14 is my role in the state departments of
15 agriculture. We're seeing funding coming
16 from USDA to accomplish these same goals that
17 we're looking at here in New York State.
18 some of the funding got stymied by some
19 lawsuits, but they reworded it, it's coming.
20 We're going to see access to some funding,
21 I'm quite sure of that.

22 ASSEMBLYWOMAN LUPARDO: And in just my
23 last remaining few seconds, I just want to
24 also revisit the transfer of the national

1 School Lunch Program to Ag & Markets -- which
2 I fully support, by the way.

3 Is this typical of other states? Do
4 most other states' ag & markets departments
5 manage the school lunch program? Are we an
6 outlier in that respect?

7 COMMISSIONER BALL: Well, New York's
8 never been shy about being an outlier, as you
9 well know. There are five other states that
10 have done it, and there are more states
11 looking at it.

12 Being the commissioner from New York,
13 I get to talk with other commissioners,
14 secretaries and directors. It's been a very
15 positive experience for those states that
16 I've spoken with. I've gotten some of the
17 details from those states about how it went
18 very smoothly and how it's working today. So
19 that gives me some encouragement. So yeah.

20 ASSEMBLYWOMAN LUPARDO: Thank you very
21 much.

22 COMMISSIONER BALL: Yeah, thank you.

23 CHAIRWOMAN WEINSTEIN: Back to the
24 Senate.

1 south to the reservoir, but the reservoir for
2 that watershed is in part of my county.

3 So we've looked at that very closely.
4 And actually I think you've heard of our AEM
5 program here at the department, Agricultural
6 Environmental Management program, part of our
7 Grown & Certified three-legged stool where
8 local ag, environmental management and food
9 safety are part of our brand, New York Grown
10 & Certified. So that AEM program we modeled
11 after the watershed practices and the
12 New York City Watershed.

13 So yeah, that had a big impact on us.
14 We use that every day. Managing water and
15 nutrients on farms is something we want to
16 see every farm take advantage of in the
17 state. And we're encouraging that through
18 grants, and we're encouraging that by
19 marketing those farms that do that.

20 So that's a very key component of what
21 we do. We believe in that.

22 SENATOR MAY: Okay, great. Thank you.

23 And then my other question is
24 something the Farm Bureau brought to my

1 attention, and it had to do with pouring
2 rights at schools and, you know, schools that
3 have a contract with Coke or Pepsi and they
4 may not be entertaining the idea of serving
5 local dairy products, for example, local milk
6 at -- in vending machines or at school
7 functions or something like that.

8 Is that something that's on your
9 radar? And do you have any kind of a sense
10 of the scale of that issue, how many schools
11 in the state are in that category?

12 COMMISSIONER BALL: I don't have a
13 number of schools that are in that category.
14 But harkening back to the value we place on
15 feeding our children, when the school board
16 looks at the cafeteria and says try to break
17 even on the school lunch program, use the
18 USDA funding, use New York State funding, use
19 department of defense surplus -- and if you
20 can make a little money on the soda machine
21 and potato chips to help the program break
22 even, they're kind of pushed into doing that.

23 We ask so many of our school nutrition
24 operators to be bookkeepers, to try to

1 balance a budget. I think we've got to
2 attach a higher value to the way we feed the
3 next generation.

4 So that's a concern. We'd rather see
5 a milk machine there than a soft drink
6 machine there. We'd rather see things that
7 are going to improve the nutrients in a young
8 person's body and have a healthier life.

9 So I don't know the numbers, but it's
10 one of those vexing situations for us for
11 sure.

12 SENATOR MAY: Okay. Thank you so
13 much.

14 COMMISSIONER BALL: Thank you.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Back to the Assembly.

17 CHAIRWOMAN WEINSTEIN: We go to
18 Assemblyman Jones.

19 ASSEMBLYMAN JONES: Good evening,
20 Commissioner. How are you?

21 COMMISSIONER BALL: Great to see you.
22 Thank you.

23 ASSEMBLYMAN JONES: Good to see you as
24 well.

1 those -- when we would get those tax credits
2 to our farmers.

3 And I would say, on that, just a
4 comment. We all need to push for those
5 credits -- or for that money to get to those
6 farmers on the front end. You know, if
7 we're -- if they're sitting around waiting
8 for a credit for six, eight months, a year
9 after, which a lot of these credits happen, I
10 mean, that is no good to these farmers and to
11 our agriculture industry. You know that they
12 need that money on the front end of things.

13 So I've talked to the chair about
14 this, Lupardo, and she knows all about this
15 as well.

16 Just getting back to the School Lunch
17 Program, the transfer from SED to Ag &
18 Markets, you know, I applaud the effort.
19 Anytime we can connect our schools -- and I
20 think Ag & Markets is the place to do this,
21 connect our students to, you know, fresh
22 food, fresh vegetables, fresh fruit, fresh,
23 you know, milk -- whatever we can do to do
24 that, we should be doing that.

1 Could you talk a little bit about the
2 implementation of that? Because we are --
3 you know, we're getting some questions on how
4 that would actually happen. I know you just
5 talked about how other states were doing
6 that. It is a large program, I'm all for it.
7 But how are we going to -- how are we doing
8 that? How do we go about implementing that?

9 COMMISSIONER BALL: Well, it's --
10 obviously you highlighted something that's
11 very important. It's important to have a
12 smooth transition and a cooperative one. I
13 think the goals are mutual, to feed New York
14 kids New York food in a smooth way and an
15 efficient manner.

16 So I would envision, you know, a
17 process working with State Ed and working
18 with our team here. We've anticipated some
19 staffing here. We would anticipate the
20 staffing help that would come from State Ed,
21 they would be transferred here to do the same
22 work.

23 It's -- I would expect it to take
24 quite a bit of time, probably a year. It

1 requires the Governor to send a letter to
2 USDA indicating that this would be the place
3 for the funding to go to from USDA. I think
4 technically it needs to be happening 180 days
5 after that notification.

6 So I think before we send that letter,
7 have that notification, we've got to have
8 some conversations about the details of the
9 program. It's a large program. But at
10 Agriculture, we handle large programs. We're
11 familiar with dealing with a whole state full
12 of, you know, concerns and issues and funding
13 programs there. So I'm confident, with the
14 additional staff at SED --

15 CHAIRWOMAN WEINSTEIN: Thank you.
16 Commissioner, I'm going to interrupt because
17 the time has expired some time ago.

18 ASSEMBLYMAN JONES: Thank you. Great
19 to see you, Commissioner.

20 CHAIRWOMAN WEINSTEIN: Senator, do you
21 have any further --

22 CHAIRWOMAN KRUEGER: Yes, I have
23 myself. Thank you, Assemblywoman.

24 Hello, Commissioner.

1 So I'm so glad to hear that the Bronx
2 hub for New York agriculture is basically
3 done. I feel like my whole life I was
4 discussing this with various Ag
5 commissioners. Do we know, have we been able
6 to measure -- are we seeing more New York
7 food heading from upstate into New York City?

8 COMMISSIONER BALL: Well, we certainly
9 did with the Nourish program. You know,
10 that's dramatic.

11 The food hub is well on its way, but
12 it's not done. We've got the roof on it,
13 we've got the walls up, the steel is up. But
14 there's a lot of interior refrigeration,
15 paving. We've got to work with Con Ed a
16 little bit. I don't know if you know anyone
17 at Con Ed, maybe. We've got to get the
18 electricity going over there.

19 CHAIRWOMAN KRUEGER: We should talk
20 offline. I actually spent a lot of my life
21 yelling at Con Ed that they have to turn
22 things on.

23 COMMISSIONER BALL: Okay. Yeah, happy
24 to do that.

1 So I think what we saw with --
2 actually, we saw this years ago with other
3 commissioners of Agriculture when we were
4 worried about access for upstate farmers to
5 the downstate markets -- you and I have
6 talked about that -- as a farmer and as
7 commissioner now for a long time. So with
8 Nourish a real bright light on that problem
9 in the South Bronx and some of those
10 boroughs. And the food box programs that
11 were initiated by Grow NYC and other
12 groups -- City Harvest, New York City Food
13 Bank -- and the channeling of money to buy
14 New York food to get in those neighborhoods
15 has been fantastic. Which is the inspiration
16 for this food hub.

17 Grow New York City will be operating
18 this food hub for us, 60,000 square foot
19 refrigerated space, office space, lots of
20 loading dock bays, plenty of room for
21 storage.

22 So yeah, we've seen a measureable
23 increase. It particularly jumped over
24 COVID-19 with the amount of food getting into

1 the right places.

2 We also saw an increase over the last,
3 you know, decade or so into the restaurant
4 food service system. We've been working very
5 hard with New York City School Food as a
6 department -- as you know, the biggest buyer
7 of food in the United States, other than our
8 military -- and increasingly getting more
9 potatoes, you know, more apples, more fruit,
10 and looking at protein throughout that
11 system.

12 So we've made great progress, but it
13 just kind of teases you and makes you realize
14 how much more there is to do.

15 CHAIRWOMAN KRUEGER: I agree.
16 Especially since we went to universal school
17 meals in New York City, and we saw 400,000
18 more children eating school meals literally a
19 few weeks after we went to the universal
20 model across the entire system.

21 So I certainly encourage you to work
22 more with the school food service. I know
23 that there are some new people down there,
24 and the new mayor, Mayor Eric Adams, has, you

1 know, some views about food that may not be
2 consistent with the dairy farmers in upstate
3 New York, because I believe he's a vegan.
4 But he is heavily focused on improved
5 nutrition for children, and his belief -- and
6 I believe he is correct -- is that good
7 nutrition for children strengthens
8 educational outcomes and health outcomes
9 dramatically, and that we need to completely
10 revisit what we're doing to make sure our
11 children are eating nutritional quality food.

12 So I think he is a good new partner
13 for the State of New York and for the
14 agriculture sector. I know he's coming up
15 for his first time to testify in a couple
16 of -- I guess maybe next week, and I'll
17 certainly ask him about this issue.

18 So we finally outlawed styrofoam,
19 which I've been trying to do forever, but I
20 learned years ago that you can make
21 styrofoam-like products that aren't damaging
22 to the environment using potatoes and potato
23 starch. And there were a few companies that
24 talked about wanting to go into that business

1 in New York. Do you know, did any of them
2 ever get started?

3 COMMISSIONER BALL: With potatoes for
4 the ingredient, I'm not --

5 (Zoom interruption.)

6 COMMISSIONER BALL: I'm not positive
7 how the outcome of that was. But I know on
8 my own farm we're using completely
9 biodegradable products made from a
10 combination of things.

11 So I like the idea of using potatoes.
12 I grow potatoes. And we have about 200 --
13 between 200,000 and 300,000 acres of potatoes
14 in New York State. Most of them go to potato
15 chips, but they could easily go to packaging.

16 We're also thinking about, as you
17 know, hemp. You know, and there's some
18 recyclable opportunities there with hemp
19 packaging.

20 So I don't know -- I'll try to find an
21 answer for you on the potato packaging.

22 CHAIRWOMAN KRUEGER: Okay. Because it
23 was told to me that the kind of potatoes that
24 could be used for production of potato-starch

1 biodegradable packaging were the kind of
2 potatoes it was harder to sell. It was
3 described to me as the ugly potatoes can be
4 used for this purpose because they are harder
5 to actually sell for too many things.

6 And if we're talking nutritional
7 value, I don't know, a potato-design
8 styrofoam container might be more nutritional
9 than our potato chips anyway. So I do
10 encourage you to take a look at that.

11 COMMISSIONER BALL: Okay.

12 CHAIRWOMAN KRUEGER: And I was going
13 to mention, yes, some of us worked very hard
14 to expand the hemp industry in New York
15 State, and I'm also just curious how you
16 think that's going. Because I get the sense
17 that farmers are delighted to want to expand
18 into hemp for all the different products that
19 can be made from hemp plants. That's also
20 your experience?

21 COMMISSIONER BALL: Yeah. Well, you
22 know, you've -- you've watched us hold I
23 think several hemp summits and we got the
24 head start with the prior Farm Bill. And of

1 course there were lots of fits and starts
2 with the Drug Enforcement Agency federally
3 and with USDA and with our own limitations in
4 that first Farm Bill.

5 But I think we've worked through most
6 of that. We're finally at a point where
7 we're beyond the research phase. I think
8 we're at a point where we in New York State
9 submitted our plan for how we would run the
10 hemp plan in New York State. It was readily
11 accepted by USDA in December. We've already
12 started registering new growers. I think
13 there's quite a lot of energy around this.

14 And we finally kind of figured out
15 where CBD, where medical marijuana, all those
16 things belong. And, you know, the fiber hemp
17 belongs with us. We are -- that's our
18 bailiwick and we're good at it. So I'm
19 excited about finally having a clear-cut
20 program and an opportunity to go forward.
21 We've had a number of growers already sign
22 on. We're taking registrations now for this
23 year.

24 We've also got, in the local

1 assistance line, there's a million dollars
2 for hemp research down at Cornell and across
3 the state. And we've got -- we've got to
4 rebuild our memory banks. You know, we had a
5 germ plasm and we had -- you know, hemp was a
6 product in my county and across the state
7 many years ago, primarily used to make rope
8 and, you know, things like that for the Navy.
9 And when it was caught up in the banning of
10 marijuana, everything was destroyed -- all
11 the history and cultural and seed varieties.

12 So we need -- and Cornell is working
13 on this -- to come up with seed stock and
14 varieties that are unique to New York's
15 culture and climate that will do well here,
16 produce the kind of things we need. And as
17 you remember from those summits, there's like
18 2500 uses for industrial hemp that the rest
19 of the world knows about --

20 CHAIRWOMAN KRUEGER: Right.

21 COMMISSIONER BALL: We're starting to
22 see it in dashboards and we're seeing it in
23 concrete and we're seeing it in a variety of
24 products. We've got to get up to speed in a

1 hurry. So that's kind of an exciting
2 opportunity.

3 CHAIRWOMAN KRUEGER: I agree with you.
4 I remember the first time I learned that the
5 pyramids were made out of bricks made with
6 hemp. I was like, well, those have held up
7 pretty well. Maybe we can make some bricks
8 out of hemp and build something also.

9 Well, thank you for your very good
10 work, and glad to see that you're staying on
11 and continuing it.

12 I'm handing it back to Helene
13 Weinstein for the Assembly.

14 CHAIRWOMAN WEINSTEIN: So we're going
15 to go to Assemblywoman Rosenthal for
16 three minutes.

17 ASSEMBLYWOMAN ROSENTHAL: Hi. Thank
18 you very much, Helene.

19 Hello, Commissioner. I'm going to
20 bring up (muted).

21 COMMISSIONER BALL: I don't think I
22 can hear you.

23 ASSEMBLYWOMAN ROSENTHAL: I see that,
24 okay. I'm back.

1 Can I get back my 15 seconds? Thank
2 you.

3 I said thank you, Helene, and thank
4 you, Commissioner, and I'm going to bring up
5 a topic I usually bring up with you, and that
6 has to do with companion animals and pet
7 stores that are under your purview.

8 So as you know, I have a bill to ban
9 the sale of dogs, cats and rabbits in pet
10 stores statewide and instead allow stores to
11 make space available for animals available
12 for adoption. So I have a perfect story to
13 illustrate why this bill is necessary.

14 The Agriculture Department inspected
15 American Kennels on Lexington Avenue in
16 Manhattan in 2019 and found nothing wrong.
17 On December 7, 2021, Ag inspected and most of
18 the ratings were satisfactory save for a
19 Jack Russell was on the selling floor and had
20 an upper respiratory infection, and that some
21 animals didn't have their rabies shots. The
22 very next day the Humane Society of the U.S.
23 released a shocking video showing deplorable
24 and illegal conditions -- the store had a

1 secret sick room in the basement where it
2 kept puppies, sometimes up to 20 at once, who
3 were sneezing, coughing and shaking. And
4 some of the animals were covered with open
5 sores, matted fur, and during the
6 investigation one puppy died after its
7 illness when the pet store refused to bring
8 the animal for veterinary care.

9 Now, how could it be that the
10 Department of Ag inspectors were there the
11 day before the Humane Society revealed this
12 shocking video which they made by having an
13 undercover employee for six weeks? Now, I
14 don't understand how the Ag inspectors missed
15 this. Also, how bad would it have to be
16 before Ag held an administrative hearing to
17 consider revoking the license? It shouldn't
18 take intrepid advocates to go undercover to
19 reveal conditions that an Ag inspector could
20 see if they actually did a real inspection?

21 What happened is the New York City
22 Department of Health pressured them, ordered
23 the store to stop selling animals, and they
24 went out of business. But the Department of

1 Ag did not contribute to this at all.

2 So how can your department actually
3 play a bigger role executing its job
4 responsibilities and not act like USDA, which
5 has such lax regulations?

6 COMMISSIONER BALL: Yeah. Well,
7 thanks for bringing up USDA, because that's
8 part of the challenge there. They're
9 supposed to be inspecting animals that come
10 into the state.

11 ASSEMBLYWOMAN ROSENTHAL: I know, but
12 you guys are supposed to inspect the animals
13 in the stores.

14 COMMISSIONER BALL: Sure. Well, if
15 they're hidden in a sick room somewhere, we
16 may not see them.

17 ASSEMBLYWOMAN ROSENTHAL: But you can
18 go look.

19 COMMISSIONER BALL: We found
20 violations and took them. The next time we
21 went back, they were okay. The next time we
22 went back, they weren't.

23 We have not permitted them. They're
24 out of business now.

1 ASSEMBLYWOMAN ROSENTHAL: Yeah, but
2 they decided to be out of business --

3 CHAIRWOMAN WEINSTEIN: Assemblywoman,
4 we are out of --

5 ASSEMBLYWOMAN ROSENTHAL: I have -- I
6 lost 15 seconds when he couldn't hear me.

7 What are the reasons that the
8 inspectors couldn't find the sick room when
9 the undercover employee did? That's where
10 animals were sick and dying.

11 COMMISSIONER BALL: Yeah. I'll have
12 to look into that. I'll get back to you.

13 I did send a letter to the USDA about
14 the inspections and the problems with those
15 animals coming in --

16 CHAIRWOMAN WEINSTEIN: Okay,
17 Commissioner, we'd like you to look into it
18 and get back to both the Assemblywoman and to
19 Senator Krueger and myself so we can let the
20 other members know.

21 And no other Senators, so we will move
22 on to Assemblywoman Woerner.

23 ASSEMBLYWOMAN WOERNER: Thank you,
24 Commissioner. It's always a pleasure to

1 spend a bit of time with you, even if it is
2 virtual.

3 COMMISSIONER BALL: Is that a tractor
4 pin you're wearing?

5 ASSEMBLYWOMAN WOERNER: It is a
6 tractor pin I'm wearing. In your honor, sir.

7 COMMISSIONER BALL: Wow. Well, thank
8 you.

9 ASSEMBLYWOMAN WOERNER: So first let
10 me say thank you to you and to your team for
11 the great work that you have done over the
12 last year, and certainly in putting together
13 this budget. It is, as my colleague Donna
14 said, it is really an amazing budget. And as
15 you reflected, it's the strongest ag budget
16 we've seen in your tenure and certainly in
17 mine.

18 I wanted to drill down, however, on
19 Taste of New York. I noted that Taste of
20 New York's mission is moving from ESD to Ag &
21 Markets and that there's a \$6.5 million
22 appropriation with that. And I ask you
23 similar questions every year: How do we know
24 whether the Taste of New York program is

1 working? How do we measure its success
2 and -- such that we know that it is something
3 that we should continue to invest in?

4 COMMISSIONER BALL: Sure, yeah.

5 Well, I'm going to ask you to remember
6 that we just went through COVID-19 a little
7 bit there. Obviously people weren't
8 traveling as much --

9 ASSEMBLYWOMAN WOERNER: I missed -- I
10 missed that, so -- I'm sorry. I skipped that
11 whole era.

12 COMMISSIONER BALL: That's right.
13 That's right.

14 I think, you know, from my standpoint
15 they've been an unqualified success. We've
16 just -- it was growing every year by leaps
17 and bounds. I think the last year -- the
18 last relatively non-COVID year that we had
19 was a record year, somewhere around
20 \$19 million, as I recall, and over
21 1200 different producers from around the
22 state found markets. We were able to get,
23 for example, grape juice, you know, from
24 Western New York at every Taste location

1 throughout, you know, some of the 70
2 locations.

3 Anytime we feel we can connect a
4 consumer with a New York agricultural product
5 and further the investment in looking for
6 that product, getting to that farm, finding
7 that marketplace, is great. We've held a
8 number of business-to-business seminars and
9 conferences. They had to be virtual for the
10 last two years. But the array of products
11 available from New York State to farm
12 markets, farmstands, retailers, based on the
13 Taste NY adventure, has been dramatic.

14 So in spite of what's gone on with
15 COVID, we've seen pretty dramatic increases.
16 We were able to add online retail as an
17 option for consumers to visit a Taste NY
18 location when they're traveling and, you
19 know, take that experience and virtually be
20 able to purchase the product and get it
21 delivered to them.

22 So I think we're gradually seeing it
23 come back to life. All the retail experience
24 was tough during COVID, but we're coping. So

1 clearly what we want to do, the long-term
2 goal is to have these things stand on their
3 own, function by themselves, be profitable.
4 They took a big hit, like all retailers did.
5 But we see great signs of life.

6 ASSEMBLYWOMAN WOERNER: Thank you. I
7 appreciate that. That's all I've got.

8 COMMISSIONER BALL: Thank you.

9 CHAIRWOMAN WEINSTEIN: We're going to
10 go to Assemblyman Palmesano.

11 ASSEMBLYMAN PALMESANO: Yes. Hello,
12 Commissioner, good to see you.

13 COMMISSIONER BALL: Good to see you
14 too.

15 ASSEMBLYMAN PALMESANO: I wanted to
16 talk to you a little bit about the CLCPA,
17 electric vehicles and fuel diversity.

18 I remember a colleague of mine at a
19 hearing, who's a farmer, brought up the
20 importance of fuel diversity to his farm
21 operations and how critical it was, how he
22 used natural gas, fuel oil, propane, diesel.
23 All were critical to the success of his
24 operation, and taking one of those away from

1 him would make it much more difficult for his
2 farm to be profitable and to work.

3 But yet here we are as the CLCPA is
4 going forward, where we keep hearing about
5 electric vehicles. And we know whether
6 they're school buses, they cost 20 percent
7 more, or municipal buses cost 20 percent
8 more, or even vehicles.

9 And my concern is, you know, you being
10 a farmer yourself, you know, I'm trying to
11 imagine, you know, a tractor trying to plow a
12 field or a grape-picking machine trying to
13 harvest grapes. You know, I have more
14 wineries in my district than any other member
15 in the State of New York. I mean, I'm just
16 worried about that.

17 I mean, what do you know about this
18 technology and this -- being advanced enough
19 for our farmers? Because I just don't see
20 how it's reliable. It's certainly going to
21 be significantly -- a significant cost
22 increase to our farmers on top of everything
23 else they went through. How can they rely
24 on, you know, an electric tractor or a

1 grape-picking machine or any other type of
2 machine?

3 What do you know about that, and is
4 that something that, you know, our
5 agricultural community should be worried
6 about?

7 COMMISSIONER BALL: Well, I think it's
8 something that our ag community should pay
9 close attention to. I think the
10 conversations we had in the Ag and Forestry
11 Work Panel were pretty responsible. We
12 obviously understand we can't go plug in a
13 200-horsepower John Deere tractor overnight
14 and go, you know, go plow 200 acres of land
15 tomorrow morning. We don't have that
16 technology yet.

17 We do have -- I will acknowledge John
18 Deere recently bought a large electrical
19 innovator to be a part of their umbrella, and
20 I think we're going to see low horsepower
21 moving A to Z products around the farm. We
22 don't need V8 horsepower to go out and get
23 10 crates of lettuce from a farm, for
24 example. But I think we're cautiously

1 optimistic.

2 In the meantime, the technologies that
3 we do have today, and particularly coming
4 from the forestry side of the house, with
5 renewable energy, the bio-economy options we
6 have that we can see -- biodiesels, renewable
7 natural gas from methane on farms -- I think
8 those are clearly -- those are items that
9 were listed in our scoping plan. They may
10 not be what we want to have in 2050 or 2060.
11 Some of the technologies that we're going to
12 need for that time are probably still in the
13 laboratory. But I think we have a pathway
14 forward. There's tools that we have today
15 that are going to help us achieve the climate
16 goals. And I think we've made that case with
17 our scoping plan at the Ag and Forestry
18 Panel.

19 So the jury's out. It's important for
20 people to weigh in on the scoping plan that
21 we put out. All the workgroups have their
22 plans out there. You know, the lift for
23 agriculture is something I can envision. The
24 lift for transportation is really hard to get

1 our head around.

2 CHAIRWOMAN WEINSTEIN: Thank you,
3 Commissioner. We'll move on --

4 ASSEMBLYMAN PALMESANO: Thank you.

5 COMMISSIONER BALL: Thank you.

6 CHAIRWOMAN WEINSTEIN: Let's move on
7 to Assemblyman Lemondes.

8 ASSEMBLYMAN LEMONDES: Le-MON-deez.
9 Thank you, Chairwoman.

10 CHAIRWOMAN WEINSTEIN: Lemondes, okay.
11 Thank you.

12 ASSEMBLYMAN LEMONDES: Thank you very
13 much.

14 Commissioner, very nice to see you, so
15 to speak. Just one simple question.

16 I don't know if it's been brought to
17 your attention or where your level of concern
18 is, but I am very concerned with the I-81
19 project. And if the community grid is built,
20 although I don't -- it's not in my district,
21 many of the farmers that sell at the Central
22 New York Regional Market are in my district
23 and are concerned about access to that
24 market, not only for ourselves -- I sell

1 there as well, full disclosure -- but also
2 for all of our customers that right now have
3 a very easy in and a very easy out.

4 And if that easy in and easy out
5 becomes 30 minutes, that will detrimentally
6 impact all of our business in Central
7 New York. And my question and/or request is
8 if you have not weighed in on that, if you
9 would consider doing so.

10 COMMISSIONER BALL: Happy to do that.
11 Yeah, the commissioner of Transportation and
12 I get to talk pretty regularly. Been aware
13 of that project for years. Since I became
14 commissioner, around the edges.

15 But let me just also say thank you for
16 a great tour of your farm. It's been a
17 while.

18 ASSEMBLYMAN LEMONDES: It has.

19 And in -- with the balance of my time,
20 you know, when we talk about the labor, right
21 now our hired help, we were able to pay two
22 hours today.

23 As we speak, it's 8:15. My wife, my
24 12-year-old and -- that's my wife right

1 there, excuse me -- and our 13-year-old are
2 in our barn delivering our lambs. And this
3 is our harvest season. And it's tough. And
4 this impending decision with the Labor Wage
5 Board will make it even crushingly more
6 difficult for all farms.

7 Thank you, Chairwoman.

8 Thank you, Commissioner.

9 CHAIRWOMAN WEINSTEIN: Thank you,
10 Assemblyman.

11 And we move on to Assemblywoman
12 Kelles.

13 ASSEMBLYWOMAN KELLES: Hello,
14 Commissioner Ball. Thank you so much for
15 your patience with all of us.

16 COMMISSIONER BALL: Great to see you.

17 ASSEMBLYWOMAN KELLES: Wonderful to
18 see you too.

19 So I'm going to throw out a bunch of
20 questions, so let me just start. One is for
21 the New Generation -- Farmland for a
22 New Generation. I know that it's achieved
23 like 90-plus matches of farmlands to land and
24 is now working with 34 organizations to

1 provide assistance to like thousands of
2 farmers right now. My concern is that
3 2 million acres of farmland are currently in
4 the hands of farmers that are 65 and older
5 that we don't want to lose.

6 So how does Ag & Markets plan to
7 address pressing farmland access issues in
8 New York State and provide the type of
9 in-depth need -- or in-depth assistance that
10 farmers need to access or transition farmland
11 and meet the Ag & Markets diversity
12 objective, particularly given the \$500,000
13 cut to that program?

14 COMMISSIONER BALL: Yeah. I would add
15 another figure for you: 26 percent of our
16 farms in New York State don't have a next
17 generation on the farm.

18 ASSEMBLYWOMAN KELLES: Exactly.
19 Exactly. So navigators, right, are like --
20 we need that, because they can't pass it on
21 to family.

22 COMMISSIONER BALL: Exactly.

23 So the navigators is going to be (Zoom
24 freeze).

1 ASSEMBLYWOMAN KELLES: I'm glad my
2 time has stopped, because it looks like
3 we've -- we may have lost him for a second.

4 CHAIRWOMAN WEINSTEIN: Can we -- the
5 commissioner froze. I think that's why they
6 stopped the clock.

7 ASSEMBLYWOMAN KELLES: I really
8 appreciate that.

9 CHAIRWOMAN KRUEGER: Commissioner
10 Ball, if you can hear us, turn your video
11 off. Sometimes that unfreezes you.

12 (Off the record.)

13 THE MODERATOR: We tried to stop video
14 for him, but it did not work.

15 ASSEMBLYWOMAN KELLES: My question
16 just overwhelmed his system.

17 CHAIRWOMAN KRUEGER: That's it, it was
18 your fault, Assemblywoman.

19 (Laughter.)

20 CHAIRWOMAN WEINSTEIN: Senator
21 Krueger, I know we have his cell number, if
22 you want to try and get this --

23 COMMISSIONER BALL: Are we back?

24 ASSEMBLYWOMAN KELLES: So I can move

1 on to my next question in the interests of
2 time.

3 CHAIRWOMAN KRUEGER: Only if the
4 commissioner is here. I'm not sure who you'd
5 be questioning otherwise.

6 ASSEMBLYWOMAN KELLES: Oh, I thought
7 that was him on the phone.

8 CHAIRWOMAN KRUEGER: Commissioner
9 Ball, are you there?

10 ASSEMBLYWOMAN KELLES: Hello, hello?
11 There he is.

12 COMMISSIONER BALL: Yes, I am.

13 ASSEMBLYWOMAN KELLES: Can you hear
14 me?

15 COMMISSIONER BALL: The host has
16 stopped my video.

17 CHAIRWOMAN KRUEGER: That's okay. As
18 long as we can hear you, we don't need to see
19 you.

20 CHAIRWOMAN WEINSTEIN: So then we
21 could start the clock again, I guess, and the
22 Assemblywoman will --

23 ASSEMBLYWOMAN KELLES: So my first one
24 we can move on from, is what I was saying. I

1 think that we're on the same page on that
2 one. I would certainly like to see that
3 reinstated.

4 And another one I have, the Climate
5 Resilient Farms program in EPF does indeed
6 cover cost-sharing for farmers, which is
7 great for things like cover crops and
8 cover-and-flare systems for large dairies,
9 but if we fail to invest in the science or
10 invest in the land grant systems, it will be
11 difficult to develop the climate innovations
12 that go beyond mitigation, to develop like
13 innovations like carbon sequestration
14 strategies and implementation.

15 So I wanted to hear from you if
16 there's any place in this budget that we
17 would see these types of initiatives or
18 investments.

19 COMMISSIONER BALL: Well, I missed the
20 middle part of your question, unfortunately,
21 but I think we can -- you know, we're very
22 much excited about the last few words I heard
23 you say, carbon mitigation and sequestration.

24 You know, there's also funding in

1 there for the Soil Health Program.
2 Everywhere I go across the state, this is a
3 buzzword, there's excitement there. But I
4 think climate resiliency is going to be
5 stretched to include more things than it
6 currently does, if I can --

7 ASSEMBLYWOMAN KELLES: Good.

8 COMMISSIONER BALL: -- what you said
9 in between when I lost you there.

10 ASSEMBLYWOMAN KELLES: I have ideas
11 for that, so we'll have to connect
12 afterwards.

13 Just two other quick points. One, we
14 had a great presentation from the Black
15 Farmers United during last year's budget
16 hearing -- preliminary hearing for ag, and
17 their request was \$500,000. They did get
18 \$100,000, which was great. But given the
19 need for new farmers -- and they only were
20 able to serve 42, and they had hundreds --
21 I'd love to see an increase in that.

22 And the last is the cut to the sheep,
23 Empire Sheep Producers. I met with a group
24 recently, and I was blown away by how long it

1 takes them to process their wool in New York
2 State because the system has completely
3 broken down. They shear, and to wash and get
4 wool back, actual just wool skeins, it takes
5 eight to 12 months to get it back.

6 So I would love to see that considered
7 reinstated in the 30-day, because it is an
8 untapped sector, I think, of agriculture.

9 COMMISSIONER BALL: We're talking --

10 CHAIRWOMAN WEINSTEIN: Uh --

11 COMMISSIONER BALL: Oh, sorry. We are
12 talking with the fiber folks.

13 And I would just throw out that USDA
14 has an LFAP program coming out, \$27 million,
15 almost, for New York. So we're going to look
16 to see how we can channel some of that
17 funding to our BIPOC farmers also.

18 ASSEMBLYWOMAN KELLES: Great. Thank
19 you.

20 CHAIRWOMAN WEINSTEIN: Thank you.

21 We still have two Assemblymembers,
22 Commissioner. So next we'll go to
23 Assemblyman Manktelow.

24 ASSEMBLYMAN MANKTELOW: Thank you,

1 Chairwoman.

2 Good evening, Commissioner. Glad to
3 see you on.

4 COMMISSIONER BALL: Great to see you.
5 Thank you.

6 ASSEMBLYMAN MANKTELOW: A quick
7 question in regards to electricity.
8 Assemblymember Palmesano touched on this a
9 little while ago.

10 Up in our district, of course, we have
11 lots and lots of apples in Wayne County. And
12 one of the situations we were running into
13 last year as our producers are preparing to
14 keep food local and getting it down into the
15 city through building more and more cold
16 storages and more and more controlled -- CA
17 rooms, controlled atmosphere rooms -- and one
18 of the issues we were running into was with
19 the utility companies, that we were unable to
20 get them there as quick as they needed it.
21 And they were talking a year out.

22 And the second thing is the question
23 they have is as we move forward with going
24 green, using more electricity, how do we make

1 sure we have enough electricity to supply
2 those CA rooms and those cold storages -- not
3 only for apples, for potatoes, for onions and
4 everything else in between -- to make sure we
5 are doing what we can do as New York farmers
6 to get our product downstate?

7 COMMISSIONER BALL: Yeah. We're
8 bumping into this quite a lot, unfortunately.
9 We're looking at a brand-new dairy processing
10 facility in Western New York, the electricity
11 needs there are pretty dramatic, and yet it
12 will be a legacy plant for the New York State
13 dairy industry.

14 I have a thousand-ton carrot cold
15 storage on my farm. That takes a lot of
16 electricity.

17 So as we look to, you know, do better
18 with the food supply system, it's going to
19 come with an electricity need as well. And
20 some of our infrastructure in the grid can't
21 handle some of the production that we're
22 willing to do.

23 So I'm happy to relay that to the
24 Public Service Commission and NYSERDA and the

1 Power Authority. They are all a part of the
2 Climate Action Council. And the Independent
3 System Operators, they're there at the table
4 as well. So this is a -- this is a real
5 concern.

6 ASSEMBLYMAN MANKTELOW: Yeah, I
7 appreciate that, Commissioner. And again,
8 thank you for what you do, and hope all is
9 well back home on the farm.

10 You have a good night now.

11 COMMISSIONER BALL: Thank you. Thanks
12 so much.

13 CHAIRWOMAN KRUEGER: Thank you.

14 Anyone else, Assemblymember Weinstein?

15 CHAIRWOMAN WEINSTEIN: Yes, we do have
16 Assemblyman Burdick is our last questioner.

17 CHAIRWOMAN KRUEGER: Okay.

18 ASSEMBLYMAN BURDICK: Thank you,
19 Chairs. And thank you, Commissioner. I just
20 have two questions.

21 And I first have to apologize that I
22 was out at another meeting so I -- if there's
23 any duplication, I'm sorry for that.

24 I noticed that there was an increase

1 in the budget -- a fairly substantial one --
2 over last year of some 40 percent, an
3 increase to some \$78 million. And I'm just
4 wondering what the basis of that was. Was
5 there consolidation of operations where
6 operations or programs were moved to
7 Agriculture and Markets? Is that the reason
8 why it went from 194.62 to 272.95?

9 COMMISSIONER BALL: It's really a
10 variety -- a variety of things, Assemblyman.

11 You know, first of all, we've got
12 \$6.5 million coming back to the department
13 from ESD for Taste New York funding. We had
14 an increase in Aid to Localities from what it
15 was -- it was, I think -- I forget the number
16 now, but it's up to \$42 million. The prior
17 year was \$35 million. So those two things
18 accounted for some of that.

19 State Fair capital was \$28 million.
20 That's a part of that increase. And happily
21 we have some additional federal money coming
22 to us from FDA and USDA, to the tune of about
23 \$26.7 million.

24 So those things put together are the

1 reason for the increase in our overall
2 budget.

3 ASSEMBLYMAN BURDICK: Well, that's
4 great. I'm glad to see that it helps you to
5 serve your mission.

6 The other question -- and I'm sure
7 that you've had this, and I'm sorry. Just if
8 you could explain the move from the State
9 Education Department to Agriculture for the
10 School Lunch Program.

11 COMMISSIONER BALL: Sure. We did
12 spend a little bit of time on this with a few
13 of your colleagues.

14 But the long and short of it is that
15 we don't see this as a takings or a robbery
16 or anything like that. We are in the school
17 food space every day. We work with New York
18 agricultural producers, we work with the
19 operators of -- in the School Nutrition
20 Association, the people in the cafeterias.
21 We see the economic benefit to farmers when
22 New York State purchases products from
23 New York State.

24 Currently there's USDA funding coming

1 into the state, federal dollars, to help feed
2 our children. Right now a large percentage
3 of those monies pay for products outside our
4 state. We think we can help get more
5 New York products into the school system.
6 Our new No Student Goes Hungry program, our
7 farm-to-school efforts have been very
8 successful there. Our work with ag in the
9 classroom, FFA and 4-H.

10 We believe that the linkage that we
11 have with USDA and with the ag producers in
12 our state, and with our school system, are
13 pretty tight. We think it's a good fit. And
14 where we've seen it done in other states has
15 been very successful.

16 ASSEMBLYMAN BURDICK: Great. Thank
17 you so much. Appreciate it.

18 COMMISSIONER BALL: Thank you.

19 CHAIRWOMAN WEINSTEIN: Senator
20 Krueger, we are -- there are no further
21 Assemblymembers.

22 CHAIRWOMAN KRUEGER: (Muted.)

23 CHAIRWOMAN WEINSTEIN: You are muted,
24 Senator.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Commissioner Ball, we want to thank
3 you for your participation tonight answering
4 all our questions, even if we lost your
5 picture somewhere along the line. And we are
6 going to excuse you.

7 And for those of the hale and hearty
8 approach to state budget hearings, we are now
9 going to start a series of panels of
10 nongovernmental testifiers. And technical
11 Panel A is the first five, although one
12 person has said they cannot be here with us.
13 And we will just keep going.

14 Three minutes per testifier. Then
15 when the panel's complete, any legislators
16 who would like to ask questions have three
17 minutes -- nobody gets more than that. And
18 we just keep going through until we are done.

19 On that note, let's start with the
20 American Farmland Trust, Erica Goodman; the
21 New York Farm Bureau has said they cannot
22 attend, they have submitted testimony;
23 Northeast Organic Farming Association of
24 New York, Katie Baildon; New York State

1 Veterinary Diagnostic Laboratory, François
2 Elvinger -- there's a much longer name there,
3 but you have the agenda -- and New York State
4 Animal Protection Fund, Libby Post.

5 And we'll just go right down that
6 list, starting with Erica Goodman.

7 Good evening.

8 MS. GOODMAN: Good evening, and thank
9 you, Senator Krueger, Assemblymember
10 Weinstein, and certainly the members of the
11 Legislature for the chance to testify at the
12 end of what's been a very long and
13 informative day.

14 I'm Erica Goodman. I'm the New York
15 regional director for American Farmland
16 Trust.

17 Originally farm and food systems must
18 begin with farmland. New York's more than
19 9 million acres of farmland are the backbone
20 of a \$47 billion annual farm and food
21 economy. It is some of the best farmland in
22 the country, but it's also some of the most
23 threatened. New York has lost more than a
24 quarter-million acres of farmland since 2001,

1 while only protecting about a third of that
2 amount since the state began investing in
3 farmland protection in the nineties.

4 As we deal with the impacts of an
5 aging farmer population, and better
6 understand competition for farmland from
7 solar and pandemic-induced shifts, it's
8 imperative that we do more. Demand is high.
9 between January and September of last year,
10 250 farmers expressed interest to land trusts
11 in conserving their farms, and farmland
12 protection implementation grant funds were
13 used up in two regions within six months of
14 opening to application.

15 The Governor included \$20 million for
16 farmland protection in the budget, and we
17 look to our strong supporters here in the
18 Legislature to further meet demand by
19 increasing this to \$25 million as part of an
20 at least \$400 million Environmental
21 Protection Fund.

22 Thank you to the Legislature for
23 funding Farmland for a New Generation
24 New York in years past, the program that

1 we've talked about a little bit here today.
2 It's been designed to really help address the
3 impending intergenerational transfer of
4 farmland and the barriers in accessing land
5 faced by a new and diverse generation of
6 farmers.

7 This nation-leading farmland program
8 is a one-stop shop for farmers looking for
9 land or farmland owners looking for a farmer,
10 with AFT staff and a network of 34 regional
11 navigators providing training and one-on-one
12 support to farmers across the state. Since
13 launching in October 2018, this program has
14 trained nearly 3,000 farmers and farmland
15 owners, given one-on-one assistance to more
16 than 3,000, and helped 90 farmers and
17 counting gain access to farmland.

18 We ask the Legislature to please
19 restore funding of at least \$500,000 for
20 Farmland for a New Generation New York in Aid
21 to Localities, and to consider an increase in
22 funding that will not only uphold the
23 program's track record of excellence but also
24 accelerate opportunities to address barriers

1 met by historically resilient farmers.
2 Without these programs, New York risks losing
3 the foundation of its farming and food
4 system.

5 New York State also has two
6 nation-leading programs that incentivize
7 schools to increase their purchasing of
8 New York farm products and provides the
9 resources to help them get there. However,
10 barriers remain. While current programs
11 provide some alleviation, specific changes
12 that could increase the purchase of
13 New York-grown foods include expanding the
14 30 percent incentive program to include all
15 school meals, not just lunch; meeting demand
16 for the Farm-to-School grants program by
17 increasing funding to \$3 million; and
18 increasing the state's small purchase
19 threshold to \$250,000.

20 My written testimony certainly covers
21 more information and more areas of needs, but
22 thank you for the opportunity to testify, and
23 I look forward to your questions.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Next, Northeast Organic Farming
2 Association of New York.

3 MS. BAILDON: Good evening. Thank
4 you, Chairwoman Krueger, Chairwoman
5 Weinstein, and committee members, for this
6 opportunity to speak to you about the
7 Northeast Organic Farming Association of
8 New York's priorities for the proposed
9 budget. I'm Katie Baildon, policy
10 coordinator for NOFA-NY.

11 NOFA-NY is a nonprofit organization of
12 farmers, gardeners, and consumers working
13 together to create a sustainable regional
14 food system that is ecologically sound and
15 economically viable. We're also the leading
16 USDA accredited organic certification in the
17 state, certifying about 1100 organic farms
18 and businesses which provide quality organic
19 products to many thousands more New York
20 consumers.

21 Organic agriculture systems contribute
22 to healthy ecosystems and resilient local
23 food systems, both fundamental to our fight
24 against the climate crisis. New York State

1 is consistently a national leader in
2 certified organic production, ranking third
3 in the nation for the number of organic farms
4 and fourth in terms of acres of certified
5 farmland.

6 As highlighted in recommendations of
7 the Climate Action Council, New York has an
8 important opportunity and responsibility to
9 lead the nation in incentivizing and
10 supporting the adoption of organic farming
11 systems that eliminate synthetic fertilizers
12 and build healthy soils.

13 We applaud Governor Hochul's proposal
14 to increase the EPF to 400 million. This
15 funding marks a huge step forward on the path
16 towards achieving the environmental
17 community's goal of 500 million.

18 The Executive Budget also includes
19 17.5 million for the Climate Resilient
20 Farming program, which has reduced emissions
21 by an estimated 300,000 metric tons of carbon
22 annually through waste and water management
23 and soil health development projects
24 implemented by the county Soil and Water

1 Conservation Districts. Increasing financial
2 support for this program and for the Soil and
3 Water Conservation Districts to 15 million
4 are measures that we enthusiastically support
5 and urge members of the Legislature to
6 maintain.

7 The Climate Resilient Farming program
8 and Soil and Water Conservation Districts
9 provide the necessary support for farms in
10 adopting climate-friendly practices and help
11 transition our agriculture and food systems
12 to meet the necessary goals of the Climate
13 Leadership and Community Protection Act.

14 USDA organic certification enables
15 farms using organic, climate-friendly
16 agriculture systems to benefit from access to
17 the thriving organic market. As the lead
18 organic certification in the state, we're
19 grateful for the \$80,000 in the Executive
20 Budget for NOFA-NY's project to streamline
21 organic certification for the Agricultural
22 Business Services Program. This project will
23 enable farms and organic businesses to apply
24 easily and annually renew their certification

1 through a streamlined, mobile-responsive
2 online platform.

3 We urge the Legislature to maintain
4 this funding and look forward to the
5 Legislature's ongoing support of organic
6 agriculture. Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 The New York State Veterinary
9 Diagnostic Laboratory.

10 DR. ELVINGER: Thank you.

11 Chair Krueger, Chair Weinstein, chairs
12 and members of committees here present. I'm
13 François Elvinger. I'm the executive
14 director of the New York State Veterinary
15 Diagnostic Lab at the College of Veterinary
16 Medicine at Cornell.

17 First, thank you for the opportunity
18 to testify. And thank you on behalf of all
19 stakeholders of animal health, animal
20 welfare, animal agriculture and public
21 health, for your strong support of veterinary
22 diagnostic services in the Empire State.

23 We were gratified to see Governor
24 Hochul's Executive Budget has consolidated

1 services of the Cornell Diagnostic Lab into a
2 single and comprehensive budget line, with a
3 significant increase to the total amount of
4 prior-year Executive Budgets, helping to
5 streamline and facilitate the delivery of
6 diagnostic services. I am sure you had
7 significant input into that decision for a
8 single amount at this elevated level, and I
9 thank in particular Chair Hinchey and
10 Chair Lupardo for their guidance and very
11 strong support.

12 I must, however, draw your attention
13 to additional significant program needs of
14 current threats requiring exceptional
15 readiness, rapid response, and therefore
16 resources. Livestock and poultry populations
17 are under threat from two highly contagious
18 disease engines: African swine fever virus
19 that spread last year to the Dominican
20 Republic and Haiti, and more recently, avian
21 influenza H5N1 that first emerged in wild
22 birds in Newfoundland in December and by now
23 has infected birds in the Carolinas and in
24 Virginia.

1 You might remember the H5N2 outbreak
2 seven years ago that led to the culling of
3 50 million birds and had a huge economic
4 impact in the Midwest and across the nation.
5 We have the obligation to prevent a repeat.
6 We need to be ready to immediately detect and
7 then surveil with the highly sophisticated
8 tools of genome sequencing, which we heavily
9 use in our response to the SARS-CoV-2
10 pandemic, while simultaneously pushing for
11 heightened biosecurity in our poultry farms,
12 backyard flocks, and livestock operations.

13 Two additional programs merit your
14 further attention. First, our Veterinary
15 Forensics Program, for which consistent
16 investments are necessary to carry out its
17 goal of combating animal abuse and cruelty.
18 We really appreciate the recognition that the
19 program obtained through your engagement and
20 legislative work.

21 Second, our Quality Milk Production
22 Services, that have persisted in the
23 tremendous effort to effectively address
24 antibiotic resistance through their work on

1 farms, to reduce antimicrobial usage without
2 jeopardizing animal health and welfare.

3 Please accept our deep gratitude for
4 your support of these programs that are
5 essential to all animal health and welfare
6 and public health. Thank you.

7 CHAIRWOMAN KRUEGER: Thank you.

8 Next, Libby Post, New York State
9 Animal Protection Federation.

10 MS. POST: Good evening, everybody.
11 Thank you, Senator Krueger, Assemblymember
12 Weinstein, for allowing me to be here
13 tonight. Most of you know that the New York
14 State animal protection federation represents
15 all the animal shelters in the State of
16 New York. And in the last four out of five
17 budgets -- not including the COVID budget --
18 the Legislature has graciously put in
19 \$5 million for the Companion Animal Capital
20 Fund. Which, up to this point, this
21 \$20 million investment has helped 38 shelters
22 across New York with their capital projects.

23 I was lucky enough to go out to
24 Susquehanna SPCA and down to the Westchester

1 on the radar -- and this isn't necessarily
2 money, but is the Companion Animal Care
3 Standards Act for shelters and rescues. It's
4 a Paulin-Addabbo bill. It is a rewrite of
5 Article 26. As we have raised the physical
6 standards at shelters, this is an opportunity
7 for us to raise the care standards at
8 shelters and rescues across the state.

9 And I would be remiss if I didn't put
10 in our plug for the Puppy Mill Bill, what
11 Linda Rosenthal was talking about before.
12 It's her bill and Mike Gianaris's bill in the
13 Senate. We just brought a new rescue from a
14 puppy mill in Ohio into our home. And let me
15 say that she's six years old, she was bred
16 every six months. And she's got her issues,
17 there's no two ways about it. But she's in a
18 loving home now, and she knows that she's not
19 going to be brought out back and shot, which
20 is what would have happened if she wasn't
21 here.

22 So this bill, the Puppy Mill Bill, is
23 incredibly important in terms of making sure
24 animals are well-cared-for and they're not

1 put into such horrible situations like
2 Assemblywoman Rosenthal was talking about
3 with American Kennels. We've seen it in
4 Shake A Paw down on Long Island. And there's
5 scores of other issues as well.

6 So thank you again for the opportunity
7 tonight. I know I'm over my time, so I'll
8 cut it short.

9 CHAIRWOMAN KRUEGER: Thank you.

10 And I see the hand of Agriculture
11 Chair Michelle Hinchey.

12 SENATOR HINCHEY: Hello. Thank you,
13 Chairwoman. And thank you all so much for
14 your testimony and for sticking with us
15 tonight in a later hour than we all
16 anticipated.

17 My first question is for -- about the
18 diagnostic lab. You know, I know we've seen
19 a lot of people through COVID adopting more
20 and more animals over the pandemic. Have you
21 seen an increased demand for animal disease
22 testing? And do you need more resources to
23 handle this as we've seen more people, again,
24 adopting animals?

1 You're muted.

2 DR. ELVINGER: Thank you, Senator
3 Hinchey, for your question.

4 And yes, indeed, throughout the
5 pandemic I must say that our caseload did
6 nothing but rise. We had a record year as
7 far as accessions, cases that came our way,
8 clearly due to the increased interest of the
9 population in companion animals, and we have
10 seen those numbers increase.

11 We also saw the increase in food
12 animal cases that came our way. But in
13 particular, you know, I think
14 pandemic-related animal adoptions that might
15 have increased and those that led to
16 additional submissions to our laboratory.
17 Yes, also requiring additional resources that
18 we had to use to take care of all those
19 cases. We had a 14 percent increase in cases
20 last year over the year before.

21 SENATOR HINCHEY: Thank you very much.
22 You all do really important work, so thank
23 you for everything you do.

24 My next question is for American

1 Farmland Trust. You know, we've talked a lot
2 about solar siting in today's hearing, as I'm
3 sure you've seen. And I know you all are
4 doing a lot of work in this space. What have
5 you seen happening across New York compared
6 to other states? And is there something that
7 we should be paying more attention to, or
8 more that we should be worried about?

9 MS. GOODMAN: Great. Thank you,
10 Senator Hinchey, for that question. And as
11 you alluded to, we've been doing a lot of
12 work.

13 We actually have a report we're
14 releasing tomorrow that we're happy to share
15 with you and the rest of the folks here as
16 well today, that talked to farmers, local
17 governments, developers, others involved in
18 this exact issue and really found mixed
19 impacts across the state when it comes to
20 solar and farm viability, knowing that those
21 two things have to work hand in hand.

22 Certainly there's positive impacts
23 where farmers who own land are seeing
24 economic opportunities, but there's also some

1 negative implications too, especially with
2 farmer-renters. And that's something that we
3 need to look at more, because those are
4 situations where farmers -- specifically, you
5 know, looking at farmers who may be new to
6 farming who are being displaced and are
7 seeing higher prices as well.

8 SENATOR HINCHEY: Thank you.

9 And with my last three seconds, I
10 don't have more time, but I'll say that is
11 something that we have not talked about much
12 today, on the renter piece, and it's really
13 important, especially as we talk about that
14 transition for the next generation of
15 farmers. So thank you.

16 CHAIRWOMAN KRUEGER: Thank you.

17 Assemblywoman.

18 CHAIRWOMAN WEINSTEIN: We go to
19 Assemblywoman Lupardo.

20 CHAIRWOMAN KRUEGER: Take yourself off
21 mute. There you go.

22 ASSEMBLYWOMAN LUPARDO: Okay. I don't
23 really have any questions. I just wanted to
24 thank each and every one of you -- certainly

1 for sticking with us today, but for the
2 inspiring work that you do. I've of course
3 already had detailed conversations with each
4 and every one of you. But I think it's
5 important that you took the time to be here
6 tonight to communicate the work that you do.

7 I'm certainly inspired by the work by
8 farmland trust and Cornell's Vet School and
9 what Libby's doing and NOFA. We're going to
10 certainly look at your budget requests and do
11 as we do every year. I think we've had some
12 great success; I think the budget reflects
13 that. It's probably one of the best ag
14 budgets we've seen in a very, very long
15 time -- certainly in my memory.

16 So I look forward to having additional
17 conversations with you and working with my
18 colleague in the Senate to advance the causes
19 that we care about. And you are really right
20 at the top of the list as far as I'm
21 concerned -- and admirable work on behalf of
22 New York agriculture and New York companion
23 animals. So thank you.

24 CHAIRWOMAN KRUEGER: Thank you.

1 I don't believe I see any other Senate
2 hands, so why don't you continue, Helene.

3 CHAIRWOMAN WEINSTEIN: We go to
4 Assemblywoman Kelles.

5 ASSEMBLYWOMAN KELLES: Thank you.

6 And I want to just second everything
7 that Chair Lupardo said. I have spoken to
8 all of you as well, and super inspired, I
9 thank God you exist, Goddess you exist. And
10 I don't have questions for all of you, but I
11 did want to show my support.

12 I do have one question, though, for
13 American Farmland Trust, Erica Goodman. You
14 spoke about urging us to shift from school
15 lunches to all school meals being, you know,
16 in the Farm-To-School program. Can you talk
17 about what not having it be all school meals
18 does to limit the number of schools that can
19 or do participate in this program, and how
20 many schools currently do?

21 MS. GOODMAN: Thank you for the
22 question, Assemblymember Kelles.

23 And, you know, we've conducted two
24 years of research in the first two years of

1 the program, and we've consistently seen that
2 with the focus just on lunch, that forces
3 schools to spend more time doing some of the
4 tracking and paperwork and really having to
5 divide their energy when they could be
6 spending that more on increasing the purchase
7 to schools.

8 And, you know, for example, products
9 like milk, where it's served both at
10 breakfast and at lunch, it takes more time to
11 split that up and to really account for
12 what's going where.

13 So being able to incorporate the
14 program across all school meals will enable
15 school teams -- especially, you know, as
16 we've seen in the last couple of years how
17 stretched schools are for their time and
18 resources. So the more we're able to provide
19 that support to them, the more they're able
20 to really expand the program.

21 ASSEMBLYWOMAN KELLES: Wonderful.

22 And I just wanted to comment, too, my
23 appreciation for your work with the farms for
24 the next generation and the navigators. It

1 is critically important, and I will certainly
2 continue to fight for that to be put back
3 into the budget.

4 So thank you so much to NOFA --
5 Katie -- and Libby Post. Your work is always
6 astounding. And of course François, thank
7 you so much for all that you do, and we'll
8 continue to fight for your efforts.

9 Thank you.

10 CHAIRWOMAN KRUEGER: Thank you.

11 Any other Assemblymembers? I don't
12 see any hands.

13 CHAIRWOMAN WEINSTEIN: I do not see
14 anybody else, so we can move on to the next
15 panel.

16 CHAIRWOMAN KRUEGER: Yes, I'm going to
17 thank this panel very much for your hard
18 work, and jump to Panel B: Scenic Hudson,
19 Andy Bicking; Open Space Institute,
20 Christopher "Kim" J. Elliman; and the
21 Environmental Defense Fund, Kate Boicourt, or
22 close enough for tonight.

23 Hi, everyone. Let's start with Andy.

24 MR. BICKING: Thank you, Senator.

1 Andy Bicking, director of government
2 relations and public policy for Scenic
3 Hudson.

4 Three points I'd like to share with
5 you this evening. First, relating to the
6 State Parks Capital Fund, the Governor's
7 proposed 200 million, a welcome increase. I
8 want to ask you, please consider increasing
9 this to \$300 million in your one-house
10 budgets. There's a great need at many
11 locations throughout the state.

12 For example, the Hudson Highlands
13 Fjord Trail, located on a narrow and
14 dangerous section of state highway along the
15 Hudson River between Cold Spring and Beacon,
16 in Hudson Highlands State Park, is one of the
17 most popular day-hike destinations in the
18 entire nation, yet it's not even up to the
19 most basic standards. It's dangerous. In
20 recent years one person was fatally hit by a
21 train, another dismembered. It's not
22 accessible. Park rangers and volunteers
23 tasked with public safety have no shelter and
24 bake in the hot sun and freeze in the cold.

1 And it's inefficient. New York City
2 DEP workers can't drive their trucks to an
3 aqueduct pump station that supplies drinking
4 water to millions.

5 This is a 135 million to \$150 million
6 large-scale public works project that
7 addresses Metro-North, DOT, OPRHP
8 infrastructure and facilities. It's on the
9 way to raising \$66 million from non-state
10 sources, including \$14 million from DEP, yet
11 the state is not yet a significant financial
12 partner. So we are seeking a state
13 commitment of 35 million.

14 Second, and this is amazing, the
15 Governor has proposed a \$400 million
16 Environmental Protection Fund, incredible.
17 We ask that you please support this top-line
18 number. Many great things in this year's
19 proposal. The EPF program for parks,
20 preservation and heritage grants is proposed
21 for 26 million. This is welcome. Please
22 support it. Applications for this line item
23 exceed \$90 million annually.

24 Included here is also a 33.5 million

1 item for Bridge Riverwalk, managed jointly by
2 Scenic Hudson and the Village of Tarrytown.
3 It will link two orphaned trails together
4 under the former Tappan Zee Bridge.

5 Why is this important? Think of the
6 restaurant worker commuting by bike and the
7 young parent pushing a baby stroller who are
8 now crossing dangerous streets. This project
9 is for them as much as it is for the visitors
10 who are contributing to the region's
11 \$4.4 billion tourism economy. And it will
12 leverage \$1.3 million committed by
13 Westchester County.

14 Finally, also in the EPF are increases
15 to the Climate Resilient Farms and Soil and
16 Water Conservation District programs. Please
17 maintain them. They will help advance the
18 Soil Health and Climate Resiliency Act, which
19 you passed unanimously last year, and provide
20 much-needed grants and technical support to
21 New York farmers.

22 Thank you again for the opportunity to
23 share these thoughts tonight.

24 CHAIRWOMAN KRUEGER: Thank you very

1 much, Andy.

2 And next, Kim Elliman, Open Space
3 Institute.

4 MR. ELLIMAN: Thank you, Senator
5 Krueger. And good evening and thank you for
6 this opportunity to discuss Governor Hochul's
7 proposed budget as relates to New York State
8 parks, open space protection, and the
9 environment.

10 As you've just said, my name's Kim
11 Elliman. I'm president and CEO of the Open
12 Space Institute. And realizing the hour, I
13 will be offering an abridged version of my
14 submitted testimony. Thank you all for your
15 patience.

16 OSI is among the leading land
17 conservation nonprofits in the Eastern U.S.,
18 having protected about 2.3 million acres of
19 land for clean water, recreation, carbon
20 storage, flood mitigation, and wildlife
21 habitat from Southern Canada to Florida.
22 Still, New York remains our home, and I
23 welcome the opportunity to be here today.

24 The Open Space Institute believes

1 funding level, particularly the \$10 million
2 increase for open space protection. This
3 increase for open space protection
4 demonstrates a full understanding of the
5 critical role strategic land conservation can
6 and does play in protecting drinking water,
7 fighting climate change, and providing
8 New Yorkers with places to safely spend time
9 with their families, connect with friends,
10 exercise, and recharge from emotional and
11 mental fatigue.

12 Knowing the Legislature's long-term
13 and passionate commitment to the EPF, I would
14 be remiss if I failed to thank you all for
15 all you've done for the EPF over the years.
16 And because OSI's land mission extends from
17 conservation to making parks and protected
18 land available and welcoming to all, OSI also
19 enthusiastically endorses Governor Hochul's
20 monumental commitment to public lands which
21 have, especially in recent years, proved to
22 be a source of comfort and rejuvenation for
23 tens of millions of New Yorkers.

24 So the Governor's \$200 million

1 allocation for state parks infrastructure
2 represents the single largest capital
3 infusion for New York State parks in history,
4 and dramatically raises the bar for public
5 access throughout the nation.

6 This commitment complements that of
7 the Open Space Institute. Over the past
8 decade, OSI has invested millions of dollars
9 in private funds for new trails, trailheads
10 and visitor centers. We also welcome the
11 proposed staffing increases for both DEC and
12 State Parks. This turnaround is both welcome
13 and warranted.

14 As the 2022 legislative gets underway,
15 we look forward to working with Governor
16 Hochul, her administration, and members of
17 the Legislature to enact a budget that moves
18 New York State forward as a national leader.

19 Thank you very much. Thank you,
20 members of the Assembly and the Senate.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 Next, Environmental Defense Fund, Kate
24 Boicourt.

1 MS. BOICOURT: Thank you so much.

2 On behalf of Environmental Defense
3 Fund's 250,000 members and activists in
4 New York State, I thank you for the
5 opportunity to testify today, for your
6 stamina during this hearing, and for your
7 leadership on protecting the environment.

8 In the past 10 years, climate change
9 fueled extreme storms. Mostly notably,
10 Hurricanes Sandy and Ida led to the loss of
11 dozens of lives and caused more than
12 \$100 billion in damages. We are already
13 operating in an impacted system in which a
14 loss of natural infrastructure that used to
15 protect us has contributed to rising risks,
16 especially paired with the impacts of climate
17 change. These risks are borne unequally,
18 hitting hardest in low-wealth communities and
19 communities of color. But you have the power
20 to start shifting that trajectory.

21 I urge you to support the following as
22 strategic investments in nature and
23 environmental justice that will reap
24 dividends in clean air, water, and create

1 jobs.

2 First, changes to the Environmental
3 Bond Act. We applaud and support Governor
4 Hochul's proposed new name, the Clean Water,
5 Clean Air, Green Jobs Bond Act, which will
6 more clearly communicate its intent to the
7 public. We also support the increase to
8 4 billion. With Ida recently demonstrating
9 the financial impact even one storm can make,
10 it is only fitting that we increase these
11 investments, which can also serve as a
12 critical match for increasingly available
13 federal dollars for clean water and
14 environmental projects.

15 Second, Environmental Protection Fund.
16 Like my colleagues have just mentioned, we
17 support that increase to 400 million as a
18 floor during budget negotiations, which marks
19 a huge step forward on the path to achieving
20 the long-term goal of a 500 million EPF.

21 Third, state agency capital funding.
22 We urge you to support at least the proposed
23 200 million in capital funds for DEC and
24 State Parks, toward a goal of reaching

1 300 million for this program.

2 Fourth, the clean water funding. We
3 support a \$1 billion investment in the Clean
4 Water Infrastructure Act. It has been
5 estimated by the American Society of
6 Civil Engineers that New York State's need
7 for drinking water infrastructure alone is
8 nearly 30 billion over the next 20 years.
9 Wastewater adds an additional 31.4 billion in
10 need to that number. And I heard some higher
11 numbers earlier today, so there's definitely
12 a need.

13 Fifth, state agency staffing. Our
14 environmental agencies have historically been
15 understaffed to meet the demand for
16 permitting, environmental protection, and
17 maintaining our outdoor spaces that we are
18 using more and more during this COVID-19
19 crisis.

20 As these increasing pressures are
21 placed on our natural resources, we support
22 commitments to build back the staff capacity
23 toward a safer, cleaner New York, as has been
24 proposed by Governor Hochul.

1 Lastly, wetlands protections. We
2 support Governor Hochul's budget proposal to
3 increase protections for 1 million acres of
4 wetlands, which filter pollutants in our
5 water and serve as a buffer against the worst
6 impacts of climate change.

7 So I thank you again for this
8 opportunity to testify in support of these
9 important investments in the most basic
10 elements that all New Yorkers enjoy: Our
11 air, our water, and our natural resources.

12 Thank you.

13 CHAIRWOMAN KRUEGER: Thank you all
14 very much.

15 And I believe I don't see a Senator,
16 so I'm handing it to Helene Weinstein for
17 Assemblymembers.

18 CHAIRWOMAN WEINSTEIN: We have several
19 Assemblymembers. I'll be calling them in
20 order, but just so that they know, we'll
21 start with Assemblyman Abinanti, then
22 Epstein, then Burdick.

23 Assemblyman Abinanti, you're on.

24 ASSEMBLYMAN ABINANTI: Thank you very

1 much. I just want to welcome this panel.

2 Andy Bicking, I very much appreciate
3 your mentioning the projects along the Hudson
4 River. I support them, and I thank you for
5 your endurance with the rest of the panel, to
6 stay all this time to tell us about those
7 projects.

8 And that's all I'm going to say.
9 thank you very much. I support your efforts,
10 and we'll do what we can here to make sure
11 the money's in the budget so that we can get
12 those projects done.

13 MR. BICKING: Thank you,
14 Assemblymember.

15 CHAIRWOMAN WEINSTEIN: Okay, then
16 we'll go on to Assemblyman Epstein.

17 ASSEMBLYMAN EPSTEIN: That was very
18 quick. I wasn't sure Tom -- I've never seen
19 Tom speak that quickly, so thank you.

20 CHAIRWOMAN WEINSTEIN: You can follow
21 by example.

22 (Laughter.)

23 ASSEMBLYMAN EPSTEIN: Oh, thanks,
24 Helene.

1 Kate, so I just wanted to check in
2 with you on waste management and wanted to
3 get a sense of what you thought about kind of
4 where we are on the Climate Action Council.
5 I have some concerns around, you know, not
6 bringing a lot of effort on our composting
7 and, you know -- and I'm wondering what
8 you're hearing and whether you think the
9 Governor's gone far enough.

10 MS. BOICOURT: I am not so focused on
11 waste management, so if anybody else on this
12 panel is able to speak to that question, I
13 will cede my time for it for that.

14 ASSEMBLYMAN EPSTEIN: Okay, so no one
15 knows about waste management. Okay.

16 One last question, then, for you.
17 Just because -- so I guess my only other
18 concern is -- maybe this is not for you
19 either. Just what we heard around, like,
20 charging infrastructure and moving that
21 forward. And I kind of feel like we have
22 some great targets, but I don't think we've
23 gotten any way to get there. And I'm
24 wondering if like there's enough in place

1 that we're doing what we need to do to kind
2 of get along the goals that we have to move
3 to a fully electric system in the time frame
4 we're talking about for electric vehicles.

5 MS. BOICOURT: Again, I think my
6 expertise is more on the climate resilience
7 side.

8 But in the bond act, there is
9 1.1 million for climate change mitigation
10 projects as well as other environmental
11 justice projects within the bond act. And I
12 think that there may be some ability to cover
13 some of the things that you've mentioned.
14 But that's not my expertise, so I'll pass
15 that to anybody else that can answer it.

16 ASSEMBLYMAN EPSTEIN: All right.
17 Well, then I'm done, thank you.

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 Mr. Burdick.

20 ASSEMBLYMAN BURDICK: I first want to
21 thank the panelists for their advocacy and
22 the great work that you're doing. We really
23 appreciate what you're doing to protect our
24 environment.

1 I had a question, and this is for Andy
2 Bicking on the Scenic Hudson. First of all,
3 I know you're active in Westchester County,
4 which I represent a part of, and thank you
5 for your good work.

6 You mentioned in your testimony that
7 you'd like to see the Open Space state land
8 acquisition line item in the Environmental
9 Protection Fund returned to 60 million.
10 Right now it's proposed at 40 million. And
11 you said that historically it had been at
12 60 million. Two questions on that.

13 If you could explain when it was at
14 that 60 million, and also who I might work
15 with to try to advocate for this.

16 MR. BICKING: Well, thank you,
17 Assemblyman, for that question. Historically
18 the fund was at \$60 million. Years ago when
19 the Environmental Protection Fund was
20 created, there were much fewer categories in
21 it, and it was a much more predominant -- had
22 a much more predominant role in the fund
23 overall.

24 That kind of goes back to the days

1 when George Pataki was Governor and he had
2 set a million-acre goal of protecting open
3 space in New York State, which was partially
4 achieved, was really an aspirational goal,
5 and that drove a lot of the priorities within
6 state agencies, in my organization's
7 experience.

8 So looking forward, you know, I would
9 love to work with you on that. I know
10 there's a number of other members in the land
11 trust community that would do the same, and
12 many allies within your house as well as the
13 Senate.

14 ASSEMBLYMAN BURDICK: So maybe if you
15 could connect with me, I would be very
16 interested in advocating for that.

17 MR. BICKING: Wonderful. I'll reach
18 out.

19 ASSEMBLYMAN BURDICK: Great. Thanks
20 so much.

21 CHAIRWOMAN KRUEGER: Helene, I see a
22 Senate hand that's popped up to sneak in.

23 CHAIRWOMAN WEINSTEIN: Okay. So go
24 for it.

1 CHAIRWOMAN KRUEGER: Thank you.

2 Senator Michelle Hinchey.

3 SENATOR HINCHEY: I'm sneaking in.

4 Thank you very much, and thank you to
5 all of our panelists for being here and, more
6 importantly, for all of the work that you do.

7 My question is for Scenic Hudson, Andy
8 Bicking. Thank you for mentioning the
9 Climate Resiliency and Soil Health Act. As
10 we know, agriculture accounts for about
11 4 percent of carbon emissions and, through
12 the CLCPA, needs to sequester about
13 15 percent.

14 Can you -- you know, and we're -- so
15 as you said, we are allocating about
16 17 million, the Executive Budget had about
17 17 million for soil health and sequestration.
18 Is that enough, do you think?

19 MR. BICKING: Well, thank you,
20 Senator. And thank you for your leadership
21 in advancing the Soil Health and Climate
22 Resiliency Act to successful passage in your
23 house. Really an amazing piece of
24 legislation. And I'd call it groundbreaking,

1 but it's really ground-mending for New York
2 State. So we're all very proud of it.

3 I think the proposal that we have from
4 the Governor for the soil health funds this
5 year and the Climate Resilient Farm and Soil
6 and Water Conservation Districts is a good
7 solid amount. In my experience with working
8 with many of these grant programs, we need to
9 kind of be building capacity step by step.
10 So I think we're in a really great place.

11 And we can certainly go out -- I know
12 my organization is committed to getting
13 applications submitted by farmers for funding
14 and support, and see it as a really important
15 first step as part of a long-term strategy.

16 SENATOR HINCHEY: Thank you very much.
17 Appreciate that.

18 And I yield my minute and a half.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much, Senator.

21 Back to you, Helene.

22 CHAIRWOMAN WEINSTEIN: Assemblyman
23 Otis.

24 ASSEMBLYMAN OTIS: Hi there.

1 Thank you all for your testimony and
2 for your long-standing advocacy for the
3 environment.

4 I wanted to focus on the water
5 funding, which we've had great success in
6 New York, and the proposal to take the
7 Governor's 500 million and make it a billion.
8 And so there is certainly physical money
9 opportunities. There is some unspent money.
10 I think -- I'm not sure to what extent the --
11 from the 2020 funds did not all go out the
12 door.

13 Have any of you put together some sort
14 of scenario where you're patching together
15 the second 500 million? I think that would
16 help in terms of our trying to push on this
17 issue.

18 MR. BICKING: Well, Assemblyman, I can
19 just respond in general. I don't have any
20 particulars on that question. But I'd be
21 happy to touch base with our coalition
22 partners, make sure they're aware of your
23 request, and we can follow up and get that to
24 you.

1 ASSEMBLYMAN OTIS: That would be
2 great, Andy.

3 And I think that's it for me, then,
4 Helene. I'll yield back my time to the
5 evening before us.

6 CHAIRWOMAN KRUEGER: I think I see one
7 more Assemblymember hand.

8 CHAIRWOMAN WEINSTEIN: Yes. We go to
9 Assemblywoman Kelles.

10 ASSEMBLYWOMAN KELLES: Actually, as is
11 so often the case, Assemblymember Otis and I
12 are like two brains with the same thought
13 patterns happening through them. So that was
14 exactly my question.

15 But I actually was inspired by the
16 letter, Kate, that you wrote on the issue.
17 And in particular, my concern -- we haven't
18 had a chance to talk about this before. But
19 I think it was over five years ago, maybe
20 even 10 years ago at this point, the
21 Comptroller put out an assessment of the full
22 cost to upgrade our drinking water and
23 wastewater. Each was about 40 billion, for a
24 price tag of 80 billion -- which of course is

1 on the old system. We have pipes that are
2 actually even still wood, let alone the lead
3 mitigation that we have to do.

4 So I appreciated your comment as well
5 that even 1 billion would barely scratch the
6 surface. By the time we update, then we
7 would have to start all over again.

8 But I'm curious -- the work that
9 you've done, the advocacy, the input, you've
10 heard the likelihood of reaching us -- if you
11 think that this current estimate is accurate
12 or we really should be doing a new study.

13 MS. BOICOURT: I think that -- just
14 quickly to respond in terms of the need and
15 then again I think I would say that Andy and
16 I can follow up with the coalition and see if
17 there's some follow-up there to dig into that
18 a little bit.

19 But this is a historic time of federal
20 investment, and we really need match right
21 now to really take advantage of all of these
22 opportunities. So like you said, the need is
23 great, the time is now, and there is an
24 opportunity to really expand what we've got

1 and invest where we need.

2 So I think that we'll need to do some
3 follow-up for you, but just want to emphasize
4 that that need and the opportunity that is
5 right now and may not come again for several
6 years.

7 ASSEMBLYWOMAN KELLEES: And I'm not
8 sure what the current situation is. Is it a
9 one-to-one projected or proposed match,
10 federal match for the water infrastructure
11 right now?

12 MS. BOICOURT: Andy, do you have that
13 number?

14 MR. BICKING: No, I don't know that
15 off the top of my head. We can look into
16 that for you, though.

17 ASSEMBLYWOMAN KELLEES: That would be
18 great. Because that certainly would
19 influence how effective any investment could
20 be for us at the state level and might
21 influence what we can get into the budget.

22 Thank you so much. I will cede my
23 last 35 seconds.

24 CHAIRWOMAN KRUEGER: Thank you.

1 Helene, any other Assemblymember hands
2 on --

3 CHAIRWOMAN WEINSTEIN: No, I believe
4 that is it. So we're ready for the next
5 panel.

6 CHAIRWOMAN KRUEGER: Thank you. Thank
7 you all very much for being with us tonight.

8 And I'm moving on to Panel C: Parks &
9 Trails New York, Will Cote; Adirondack Park
10 Club, Kathy Pedler; Adirondack Council,
11 Kevin Chlad -- and I'm missing one --
12 Catskill Mountainkeeper, Katherine Nadeau.

13 Hello, everybody.

14 MULTIPLE PANELISTS: Hello.

15 CHAIRWOMAN KRUEGER: We'll start with
16 Parks & Trails.

17 MR. COTE: Yes, good evening.

18 Distinguished members of the Senate
19 and the Assembly, thanks for the opportunity
20 to present some testimony to you all this
21 evening on behalf of Parks & Trails New York.
22 My name is Will Cote. I'm the parks program
23 director.

24 Since 1985, PTNY has been fighting to

1 improve our health, economy and quality of
2 life through the use and enjoyment of green
3 space. We champion the protection and
4 enhancement of New York's magnificent state
5 park system and greenways network, ensuring
6 all New Yorkers have access to the outdoors
7 for generations to come.

8 Last year was another historic one for
9 public lands. Despite the relaxation of some
10 public health guidelines as compared to 2020,
11 our protected open space continued to see
12 unprecedented levels of visitation and use.
13 In fact, 2021 was the tenth straight year of
14 increased visitation for our parks. Yes, the
15 pandemic has accelerated New Yorkers'
16 attraction to and need for nature, but this
17 critical shift has been developing for
18 decades. The pandemic simply brought it into
19 focus.

20 The bottom line is New Yorkers desire
21 more access to nature and more outdoor
22 recreational opportunities and see it as
23 essential to creating a healthier, more
24 livable and equitable New York. And this is

1 that we have safe and attractive facilities,
2 accessible and affordable services, and
3 quality, welcoming experiences for all
4 New Yorkers.

5 We are optimistic that the Governor's
6 proposed increase to 200 million is the first
7 step towards achieving the goal of
8 300 million in capital funding, which is
9 required to meet the needs of our state parks
10 system. We look forward to working with the
11 Legislature to meet this goal.

12 Second, a 15 percent increase in state
13 parks operations appropriation, restoring the
14 agency's capacity to some degree will help
15 welcome a growing number of visitors and
16 reach new and underserved audiences. For too
17 long the agency has been pressed to do more
18 with less, and addressing this imbalance will
19 certainly help to create a more welcoming
20 experience for everyone.

21 Third, a \$400 million EPF. That will
22 demonstrate a clear commitment to protecting
23 our natural resources and bring us closer to
24 achieving the environmental community's

1 long-term goal of a \$500 million EPF.
2 Certainly the Connect Kids program being
3 increased to 300 million is also an important
4 line item to keep in mind.

5 Fourth, the 2 million for Park & Trail
6 partnership grants. This capacity-building,
7 competitive grant program, administered by
8 PTNY in partnership with State Parks, has
9 proven to be successful for promoting
10 public/private partnerships. This additional
11 funding will further advance private
12 partnership efforts to steward state parks,
13 foster nonprofit partnerships that will
14 expand access to public lands, and address
15 barriers to diversity, equity, inclusion
16 within park communities and friends groups
17 themselves.

18 Thank you very much for the
19 opportunity to speak to you all tonight, and
20 I look forward to working with you this
21 coming session.

22 CHAIRWOMAN KRUEGER: Thank you very
23 much.

24 Next to the Adirondack Mountain Club.

1 MS. PEDLER: Good evening. Thank you
2 all for being here for us tonight. Really
3 appreciate it.

4 I'm Cathy Pedler, the director of
5 advocacy for the Adirondack Mountain Club,
6 which in its 100th year has three facilities
7 in the Adirondack High Peaks, 37 full-time
8 staff, a thousand volunteers, 50 seasonal
9 staff who deliver outdoor educational
10 programming, protect rare Alpine habitat,
11 lead trips, build and maintain trails, and
12 ensure that visitors to the High Peaks and
13 other recreational lands across the state
14 have safe, responsible, quality outdoor
15 experiences.

16 Thank you for the opportunity to
17 represent our 30,000 members and to comment
18 on the Executive Budget proposal.

19 What I'd like to talk to you about
20 tonight is the great need for dedicated
21 funding for New York's Adirondack and
22 Catskill Forest Preserve parks. We
23 respectfully request 10 million of the
24 proposed 50 million in the EPF State Land

1 Stewardship line, under the Parks and
2 Recreation account, be dedicated for the
3 Adirondack and Catskill parks.

4 Adirondack Mountain Club and 25 other
5 conservation and municipal organizations and
6 municipalities signed onto a letter urging
7 Governor Hochul to include funding for
8 critically needed services in the Forest
9 Preserve parks, including trail work,
10 recreational infrastructure, recreational
11 planning and educational outreach.

12 In the State of the State address, the
13 Governor responded by proposing that the EPF
14 be used to support investments into the
15 Catskills and Adirondack parks, and now the
16 50 million in the State Land Stewardship line
17 of the historic 400 million EPF backs up the
18 Governor's State of the State commitment.

19 The Catskill and Adirondack Forest
20 Preserve parks together represent over
21 6.5 million acres -- that's nearly a quarter
22 of New York State. There are more than
23 25 million visitors to the Adirondacks and
24 Catskills each year, bringing in \$3 billion

1 annually to regional economies.

2 In our climate crisis, the Adirondacks
3 and Catskills serve as the lungs of New York,
4 combating climate change, providing oxygen,
5 sequestering carbon. They protect critical
6 habitat and provide fresh drinking water for
7 more than 25 million people in two countries,
8 including residents of New York City.

9 Supporting the Adirondack and
10 Catskills Forest Preserve parks checks all
11 the boxes: Health and recreation,
12 environment and community, inclusivity,
13 safety and economy. We respectfully request
14 that at least 10 million is dedicated to the
15 Catskill and Adirondack Forest Preserve
16 parks, with a specific line in the EPF under
17 State Land Stewardship.

18 Thank you very much.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Next, Kevin Chlad.

21 MR. CHLAD: Thank you so much.

22 Good evening, Chair Krueger, Chair
23 Weinstein, and honored legislators. My name
24 is Kevin Chlad. I'm the director of

1 government relations for the Adirondack
2 Council.

3 I just want to highlight three items
4 contained within our longer written
5 testimony, the first of which is a proposal
6 to establish a Timbuctoo Summer Climate and
7 Careers Institute. This is a proposed
8 CUNY/SUNY partnership that will provide
9 high schoolers with exposure to environmental
10 careers who may currently lack those
11 opportunities.

12 We're working to build a diverse green
13 jobs pipeline in the Adirondacks to meet the
14 carbon sequestration goals of the CLCPA, and
15 we consider this effort to be foundational to
16 that end. This program would cost
17 \$2.1 million, and we hope that the
18 Legislature will add this to the budget.

19 The second item I want to bring to
20 your attention is called a Survey of Climate
21 Change and Adirondack Lakes Ecosystems.
22 Assemblymember Glick asked the commissioner
23 about this earlier today.

24 In the Adirondacks we have one of the

1 best water quality data sets anywhere in the
2 world, and that data is currently collected
3 by the Adirondack Lakes Survey Corp. The
4 data set has been instrumental to Attorneys
5 General in establishing standing for lawsuits
6 to protect New Yorkers that suffer from
7 asthma and other illnesses from upwind
8 polluters like coal-fired power plants in the
9 Ohio Valley.

10 The future of this research is at risk
11 due to declining state and federal funding
12 and in-kind contributions. We're asking the
13 state to help this program survive and
14 thrive, meeting 21st-century challenges, and
15 we're hoping that will be accomplished by
16 calling for a \$6 million investment in this
17 year's budget for a new water-quality survey
18 conducted by a consortium of research
19 partners.

20 Lastly, I want to touch on a very
21 important cause that was mentioned by the DEC
22 commissioner earlier today. Senator Kaminsky
23 asked the commissioner about visitor use
24 management in the Adirondack High Peaks. We

1 were thrilled that the commissioner
2 acknowledged the need to partner with a
3 national expert to undertake a 21st-century
4 approach to managing our public lands.
5 New York has done commendable work in funding
6 hiker shuttles, trailhead stewards,
7 port-a-johns, and summit stewards, all with
8 the intention of addressing overuse of
9 regions like the Adirondack High Peaks.

10 The VUMF, as we call it, is essential
11 to bring these different solutions together,
12 using data to know what is working and what
13 is not working. This will help DEC better
14 protect our natural resources, improve
15 visitor safety, foster equitable access, and
16 preserve our wilderness character. This
17 framework is used at our most popular
18 national parks.

19 The Executive Budget does not detail
20 out this proposal, and we recommend that the
21 final budget do so.

22 We are a member of the Clean Water and
23 Jobs Coalition and the Friends of New York's
24 Environment and support a \$4 billion

1 Environmental Bond Act and a \$400 million
2 EPF.

3 Thanks so much for your time.

4 CHAIRWOMAN KRUEGER: Thank you.

5 Catskill Mountainkeeper.

6 MS. NADEAU: Hello. Thank you so much
7 for having me this evening. It's wonderful
8 to be here with you all.

9 So I wanted to hit on a couple of big
10 issues tonight. First of all, I'm going to
11 start with talking about funding the Catskill
12 Park a bit.

13 So the Catskill Park and the region is
14 a crown gem in New York State. It's part of
15 the -- it's just a beautiful, beautiful
16 region. And even though it's referred to as
17 the Catskill Park, just like the Adirondack
18 Park, we are not funded in any way out of the
19 parks budget. All of the funding for the
20 Catskill Forest Preserve comes through other
21 pots of funding in the state budget.

22 So I think that's really important to
23 understand as we talk about being very
24 specific about where funding for the park

1 comes from, and making sure that it's getting
2 to where we want it to go.

3 So a couple of things to mention that
4 Mountainkeeper is focused on, is making sure
5 that there is at least a \$400 million
6 Environmental Protection Fund. We
7 wholeheartedly support Governor Hochul's
8 proposal, and we are thrilled to see the EPF
9 getting its due and being elevated to this
10 level.

11 On that note, though, we want to make
12 sure that a portion of the stewardship
13 funding reaches the state's Forest Preserves.
14 And so in line with our colleagues at the
15 Adirondack Mountain Club, we're calling on
16 the Legislature to line out a \$10 million
17 appropriation for the Adirondack Forest
18 Preserve and Catskill Forest Preserve in the
19 stewardship line, and to direct \$5 million of
20 that appropriation to the Catskill Park and
21 Forest Preserve.

22 Again, making sure that we've got some
23 specificity about where the funding needs to
24 go and directing it in this manner will allow

1 the state to implement the High Peaks and the
2 Catskill advisory groups' strategic plans.
3 It will also help New Yorkers just enjoy the
4 Adirondacks and the Catskills responsibly,
5 supporting comprehensive planning, trail
6 safety and climate resiliency, accessibility,
7 inclusivity, educational stewards, signs and
8 kiosks to orient visitors, and sanitation
9 facilities. So really making sure that
10 people who come into the Catskills and the
11 Adirondacks have a fantastic experience.

12 And as folks have been talking about
13 all day long, we were already trending more
14 and more visitors in the Catskills each year,
15 and the pandemic just saw that increase
16 exponentially. So really putting state
17 funding on the ground in the Catskills for a
18 great visitor experience is going to pay
19 dividends, because all of those visitors who
20 come to the Catskills not only get to enjoy
21 our beautiful park and region, but they're
22 also there investing in the park and region
23 as well.

24 There's a lot to like in the Executive

1 Budget, and we just wanted to point out our
2 support for additional staffing at DEC. It's
3 great to see the agency, again, getting its
4 due when it comes to funding and making sure
5 that we're putting boots on the ground to
6 implement the agency's critically important
7 mission to protect our state's lands and
8 waters.

9 We also support increases in water
10 infrastructure funding, both what the
11 Governor called for and beyond. And I'd be
12 happy to take any other questions as well,
13 but I see my time has run out. So thank you.

14 CHAIRWOMAN KRUEGER: Thank you all
15 very much.

16 Okay, we're going to start with
17 Senator Michelle Hinchey.

18 SENATOR HINCHEY: Thank you very much.

19 And thank you, everyone. I want to
20 say thank you for being here and, first and
21 foremost, I'm incredibly supportive of the
22 funding for the Adirondacks and the Catskill
23 Park.

24 We know how important outdoor space

1 is, and I'll speak specifically to the
2 Catskills especially as protecting New York
3 City's drinking water. We have historically
4 not given the Catskills enough attention in
5 how important that park is. And so thank you
6 for your advocacy.

7 My quick question, Katherine, is for
8 you, because I know we are here talking and
9 advocating for that EPF funding, which is
10 incredibly important, but we also fought for
11 and were able to secure funding in last
12 year's budget for stewardship, that you were
13 a big part of. So can you talk a little bit
14 about how important that funding was and what
15 that went to?

16 MS. NADEAU: Thank you for the
17 opportunity to answer that, because I ran out
18 of time before I got to mention it.

19 But thanks to partnership throughout
20 the Legislature, and led by Senator Hinchey,
21 we were able to secure funding in the Aid to
22 Localities line last year specifically for
23 stewards programs at the Catskills Center and
24 Catskills Mountainkeeper. We had stewards

1 right out there on the trail greeting
2 visitors, talking about leave no trace
3 principles, talking about where to go and
4 where to visit in the region, making sure
5 that -- you know, just doing basic trail
6 maintenance, so there was a public safety
7 aspect to their work as well.

8 And they're tremendously successful
9 and tremendously impactful. And so this
10 program allows us to extend the reach beyond
11 what DEC is able to do, beyond what the
12 Rangers are able to do, and to do it in a
13 really friendly, welcoming manner that brings
14 people into the Catskills and helps them
15 connect even further.

16 So we are again calling for funding
17 for the stewardship program. We'd love to
18 see that come out of the Environmental
19 Protection Fund. We're calling for \$200,000
20 to be split evenly between the Catskills
21 Center and Catskills Mountainkeeper. And
22 we're really excited to partner with the
23 state again to make this a fantastic program
24 for the summer of 2022.

1 SENATOR HINCHEY: Thank you. And you
2 saw --

3 CHAIRWOMAN KRUEGER: Go ahead, I'm
4 sorry, Senator.

5 SENATOR HINCHEY: And you saw that
6 that was a really effective program of
7 welcoming people back, people who hadn't
8 really been into wilderness areas before,
9 right?

10 MS. NADEAU: Absolutely. Absolutely.
11 Because we get a lot of visitors who are
12 coming out for the first time. These aren't
13 seasoned backpackers. So getting in there
14 and talking with people, welcoming them,
15 making sure they have a sense of where
16 they're going, what they're doing and how to
17 stay safe is super-important.

18 SENATOR HINCHEY: Thank you very much.

19 CHAIRWOMAN KRUEGER: Thank you.

20 Assemblywoman.

21 CHAIRWOMAN WEINSTEIN: Yes, we have
22 two members. Assemblywoman Hyndman first.

23 ASSEMBLYWOMAN HYNDMAN: Thank you,
24 Chair Weinstein.

1 And Kevin, it's really good to see you
2 again. Last year the New York State
3 Association of Black and Puerto Rican and
4 Hispanic and Asian Legislators had the
5 opportunity to visit the Adirondacks right
6 before it got too cold, and it was a real
7 eye-opening experience, especially for the
8 Timbuctoo settlement, which allowed over
9 3,000 Black men to meet the property
10 requirement, which gave them the right to
11 vote in New York State. And we're talking
12 about free Black men.

13 And that history was so inspiring and
14 the caucus has pledged to support your
15 \$2.1 million ask in the budget to keep that
16 historic pipeline of information viable and
17 valid. So I want to thank you for the
18 opportunity. I do plan to visit the
19 Adirondacks again, and I think it's such a
20 treasure that we have this in New York State,
21 and we need to preserve it. So I'm just
22 pledging my efforts in support to make sure
23 that it continues.

24 And Kevin, thank you for being a great

1 host. And the history from Aaron Mair was
2 life-changing -- I have to mention him.
3 Thank you.

4 MR. CHLAD: Thank you so much for
5 putting your faith in us, and we look forward
6 to having you back soon. Thanks.

7 ASSEMBLYWOMAN HYNDMAN: Thank you.
8 Thank you. That's all I have.

9 CHAIRWOMAN KRUEGER: Watch out,
10 Assemblywoman, next they'll get you on a
11 farm.

12 CHAIRWOMAN WEINSTEIN: Next we will go
13 to Assemblyman Otis.

14 ASSEMBLYMAN OTIS: Thank you, Helene.
15 Very quickly, all of you touched on in
16 your statements about clean water. And I
17 think for both the Adirondacks and the
18 Catskills, very briefly if you could detail
19 the dire nature of, in a sense, the increased
20 popularity of these two regions and how that
21 is affecting water quality and the pressures
22 for these environmentally sensitive areas.

23 MR. CHLAD: Thank you, Assemblyman.
24 I'll just quickly start by highlighting a few

1 things we're seeing in the Adirondacks.
2 We'll share with you -- I'll follow up with
3 you and make sure we share our most recent
4 needs assessment.

5 Small communities are strapped with
6 the burden of funding these big, multi-
7 million-dollar water infrastructure projects
8 to protect clean water in one of the most
9 incredible resources we have in this country.
10 And it's just simply not affordable. These
11 are part-time legislators. They don't have a
12 grant-writing department. They're doing the
13 best they can.

14 And most recently, the Environmental
15 Facilities Corp. did away with its Technical
16 Assistance Program, and we're hopeful that
17 they will bring that back. That was
18 essential to these part-time supervisors that
19 are working to make these projects happen:
20 Small investment for a huge payout.

21 The other thing that I would flag in
22 terms of huge need is just to circle back to
23 my oral testimony. We need modern
24 water-quality data collection. We don't have

1 a full awareness of what's in the water, what
2 the current state of our water bodies are, so
3 it's one of the biggest things we can do.
4 Again, smaller investment for a huge payoff.

5 CHAIRWOMAN KRUEGER: Okay. Any more
6 questions?

7 CHAIRWOMAN WEINSTEIN: We have
8 another: Assemblyman Burdick.

9 ASSEMBLYMAN BURDICK: Yeah, I just
10 wanted to pick up on that, on what you
11 mentioned about what the EFC had done away
12 with that provided assistance to small
13 localities. And I certainly have small
14 localities in my district. And, you know,
15 what you said about them not having the
16 ability to do grant-writing really resonates
17 with me.

18 If you could tell me what it was that
19 was removed, and if you have any idea what it
20 would cost to restore it.

21 MR. CHLAD: I don't know the figures
22 off the top of my head, but it's called the
23 Technical Assistance Program. There were
24 regional staff in all of the DEC regions that

1 provided support to local governments,
2 coaching them, training them on the process
3 of applying for water infrastructure grants
4 and low/zero-interest loans. And they knew
5 each and every detail, intimate detail of
6 every water-funding application, water
7 infrastructure application that was out
8 there. They had all the institutional
9 knowledge.

10 And that program was consolidated last
11 year and done away with, so we lost a lot of
12 important institutional knowledge. But
13 again, we're hopeful that that will be coming
14 back soon.

15 ASSEMBLYMAN BURDICK: If you could get
16 back to me with that, I'm sure that my
17 colleague Assemblyman Otis also, and others,
18 would support that. I think that there's
19 just a dire need for that.

20 As a former town supervisor, I did
21 have the good fortune of having a staff that
22 could handle it, but very few municipalities,
23 unless they're larger municipalities, have
24 that kind of capacity.

1 So please do follow up with me on
2 that. I'd love to see it restored.

3 MR. CHLAD: Will do. Thank you,
4 Assemblyman.

5 CHAIRWOMAN KRUEGER: I think there's
6 one more Assemblymember.

7 CHAIRWOMAN WEINSTEIN: And now we go
8 to Assemblywoman Kelles.

9 ASSEMBLYWOMAN KELLES: Thank you so
10 much.

11 And Chris, definitely share that
12 information with me. Kevin, that was one of
13 my questions as well. And I would love to
14 see that funding, coming from local
15 government myself.

16 It was always a huge struggle for us
17 to help the smaller municipalities get the
18 grants -- even if they existed, they didn't
19 know. And secondly, they didn't have the
20 expertise. And third, they didn't have the
21 time. We were providing it through the
22 county, but we had nowhere near the amount of
23 funding that we needed to help our
24 municipalities.

1 So yes, please do let us know.

2 And then thank you to all of you. I
3 was in the Explorer Post as a kid. The
4 Adirondacks were like my second home, my
5 favorite experience in the entire world was
6 literally sprinting down Lower Wolf Jaw.
7 Will never, ever forget it. We always did
8 winter camping. So you are so speaking my
9 language.

10 And with that, I just wanted to make
11 sure I understood where in Parks and
12 Recreation -- so I have two questions. One,
13 where that \$10 million addition is, what
14 line. Where it says public access and
15 stewardship, is that the line where you want
16 the 10 million allocated? I think,
17 Katherine, you were talking about it --

18 MS. NADEAU: Yes.

19 ASSEMBLYWOMAN KELLES: --
20 specifically, and someone else was.

21 And then I have one other question,
22 which is there was the funding that was
23 removed from the Adirondack/Catskills Park
24 overuse. And I'm concerned what that was,

1 what that was used for, what the loss -- what
2 the negative impact of that loss is going to
3 be. I know for me I'm worried, when the
4 trails are falling apart, that people go off
5 the trails, and that actually creates a huge
6 negative impact on some of the natural
7 ecosystems. We like to keep people on trails
8 as much as we can, from my experience.

9 So anyway, I just wanted your input on
10 those.

11 MS. NADEAU: Yeah. So just to take
12 the question about the funding, we're asking
13 for that in the stewardship line in the
14 Environmental Protection Fund, that
15 \$10 million to be split between the Catskills
16 and the Adirondacks.

17 And I can let others speak to the
18 Essex County line that was cut out last year.

19 But just to -- I mean, just to uplift
20 what you're saying, Assemblywoman, this type
21 of funding for high-use areas is so
22 critically important. Because if we do not
23 invest now to protect our trails and to
24 protect what we have, in addition to building

1 and, you know, expanding, it's only going to
2 get more expensive, the problems only get
3 more severe. And it becomes more of a hazard
4 for everybody who's out there.

5 So I really appreciate what you're
6 saying here, and really hope the Legislature
7 can make these investments.

8 ASSEMBLYWOMAN KELLEES: And I'd like to
9 just add what -- the way that they do these
10 trails, knowing you're miles and miles out,
11 it takes a tremendous amount of personnel,
12 you know, jerry-rigging ropes to carry
13 hundreds of pound of rocks. This is -- it's
14 not easy work. So, you know, it's not
15 something where it can be automated. And it
16 must be done in order to preserve the
17 ecosystem.

18 So I really appreciate all of you.
19 Thank you so much.

20 MR. CHLAD: Thank you.

21 CHAIRWOMAN KRUEGER: Thank you.

22 CHAIRWOMAN WEINSTEIN: Thank you.

23 Senator Krueger, we are -- the
24 Assembly is done with this panel.

1 CHAIRWOMAN KRUEGER: Thank you,
2 Assembly.

3 And thank you so much to the panel,
4 all four of you, for the work you do and for
5 keeping us educated about what more we need
6 to be doing for our parks and open spaces.
7 So thank you for your participation.

8 And I'm now going to turn to Panel D.
9 Got quite a few on this panel. Beyond
10 Plastics, Judith Enck; American Chemistry
11 Council, Craig Cookson; American Forest &
12 Paper Association, Abigail Sztejn -- with an
13 unusual spelling; National Waste & Recycling
14 Association, Anne Germain; Waste Management
15 of New York, Susan Robinson; and Sure We Can,
16 Ryan Castalia.

17 And hopefully Harvey Epstein's still
18 here, because he had waste management
19 questions earlier.

20 Okay, if you'd just like to start
21 rolling with Judith Enck.

22 MS. ENCK: Good evening. I'm Judith
23 Enck with Beyond Plastics, former EPA
24 regional administrator.

1 I want to start by quoting
2 congressmember Morris Udall, who said:
3 "Everything has been said, but not by
4 everyone." I want to cover four major
5 points.

6 One is this is the 40th anniversary of
7 the New York Bottle Bill. It's time to raise
8 the deposit to a dime. And also cover
9 noncarbonated beverages. This is a Coke
10 bottle, it has a nickel deposit. This is an
11 iced tea bottle, a nickle deposit -- it does
12 not have a nickel deposit, so this is more
13 likely to be littered. And it's time to
14 update the Bottle Bill in many ways.

15 Second, I will talk a lot about
16 extended producer responsibility. It's
17 important that it not include chemical
18 recycling, which is a type of burning
19 plastic. There is a bill before you by
20 Senator Mannion that would count plastic
21 burning as recycling. It is not.

22 Third, it would be great to see a new
23 category in the proposed Environmental Bond
24 Act to cover waste reduction, reuse and

1 refill. We need to build that
2 infrastructure.

3 Let me start by saying I'm strongly
4 supportive of the concept of extended
5 producer responsibility, and my testimony
6 includes a model bill and a handy chart that
7 compares the model bill to Governor Hochul's
8 bill. I appreciate her putting a bill in;
9 however, there are significant problems with
10 Governor Hochul's extended producer
11 responsibility bill.

12 We are in the midst of a plastic
13 pollution crisis. The bill puts the
14 producers in charge of solving the problem.
15 When you all passed the climate change law,
16 you established goals that you wanted to see
17 the state achieve to drive down greenhouse
18 gas emissions. This bill puts the packaging
19 companies in charge of figuring out what
20 those goals are. So not surprisingly,
21 they're not going to be particularly
22 ambitious. There is an advisory committee
23 that is industry-dominated that is supposed
24 to sign off on the goals.

1 And we would never expect ExxonMobil
2 or Shell to solve the climate change problem;
3 we should not expect packaging companies to
4 solve the packaging problem.

5 Instead, it should be the prerogative
6 of the Legislature to figure out the goals,
7 how do we make it transparent, how do we
8 drive down toxics in packaging. This is how
9 an effective extended producer responsibility
10 law can work.

11 I have a lot of experience on waste
12 issues. I'm happy to work with Assembly and
13 Senate and the Governor's office to craft an
14 extended producer responsibility bill that
15 would actually reduce packaging, get funding
16 to local governments for recycling, be
17 transparent and get toxics out of the waste
18 stream. Thank you.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much.

21 Next is the American Chemistry
22 Council.

23 MR. COOKSON: Good evening,
24 Chairpersons Weinstein, Krueger, and members

1 of the joint committee. My name is Craig
2 Cookson. I'm the senior director of plastics
3 sustainability at the American Chemistry
4 Council.

5 The American Chemistry Council is the
6 national trade association representing the
7 U.S. chemical industry, including the leading
8 manufacturers of plastic resins.

9 ACC strongly encourages the committee
10 to support New York's interest in ensuring
11 that greater amounts of our post-use
12 packaging materials, especially plastics, are
13 recycled and converted into feedstock for new
14 plastics and useful products.

15 ACC is not opposed to Section RR,
16 extended producer responsibility in the
17 Executive Budget. However, in order for EPR
18 to be successful in New York, we strongly
19 support ensuring advanced recycling
20 technologies are regulated as manufacturing
21 facilities in New York State. Advanced
22 recycling helps us decrease plastic waste,
23 support continued progress toward zero waste,
24 and sustainability goals for communities and

1 states.

2 We respectfully request the committee
3 adds the language from S7891 -- that's
4 Senator Mannion's bill -- to Section RR,
5 extended producer responsibility, that
6 classifies advanced recycling technologies as
7 manufacturing facilities in New York.
8 New Yorkers have the opportunity to recycle
9 greater amounts and types of plastics
10 packaging.

11 So let me tell you why this is
12 important. Advanced recycling takes
13 hard-to-recycle plastics and refers to
14 several different technologies that convert
15 used plastics into their original building
16 blocks, to produce new plastics, waxes, and
17 other valuable products. Right now New York
18 and much of the United States does a fairly
19 good job of mechanically recycling our soda
20 and water bottles as well as milk jugs and
21 detergent bottles. However, it is
22 challenging to mechanically recycle
23 hard-to-recycle plastics such as pouches and
24 tubes. These plastics have been a crucial

1 material benefiting people's well-being,
2 especially during this pandemic. Think home
3 test kits, which we're all using right now.

4 In order to reuse these valued plastic
5 resources and not landfill or burn them, we
6 need innovative solutions like advanced
7 recycling. And let me state clearly for the
8 record, these technologies convert used
9 plastics into valuable raw materials and are
10 not incineration or burning, as the last
11 witness just said.

12 So let's talk about a few examples.
13 Just recently Wendy's -- who doesn't love
14 Wendy's -- announced that they were switching
15 from their lined paper drink cups to an
16 all-plastic cup made with 20 percent recycled
17 plastics thanks to advanced recycling.
18 Herbal Essence, one of the highest-profile
19 brands of Procter & Gamble, has announced a
20 partnership with Eastman to produce five
21 shampoo and conditioner bottles made from
22 50 percent certified recycled plastic.

23 As manufacturers, these technologies
24 are subject to a litany of federal, state and

1 local environmental regulations. So we
2 strongly encourage New York to seize this
3 opportunity to recycle more types and greater
4 amounts of plastics. Fifteen states, now
5 including Pennsylvania, have enacted
6 legislation very similar to Senator Mannion's
7 legislation encouraging advanced recycling.
8 Neighboring states -- New Jersey,
9 Rhode Island, New Hampshire -- have
10 introduced similar legislation.

11 I ask that you consider how a producer
12 responsibility system will increase the
13 supply of post-use packaging, and advanced
14 recycling will complement the system by
15 driving demand.

16 Lastly, ACC has submitted written
17 testimony on the ban on PFOS and phthalates
18 in packaging, expands it to all packaging --
19 but we could only have one witness today, me,
20 so we have submitted written comments.

21 Thank you.

22 CHAIRWOMAN KRUEGER: Thank you.

23 Next we have the American Forest &
24 Paper Association.

1 MS. SZTEIN: Good evening, and thank
2 you for the opportunity to speak today. My
3 name is Abigail Sztein, and I represent
4 AF&PA. In New York the forest products
5 industry employs more than 27,000 individuals
6 in 224 facilities around the state.

7 Extended producer responsibility
8 policies are typically applied as a solution
9 for hazardous, hard-to-handle materials with
10 low recycling rates. The paper industry has
11 a demonstrated, measurable record of success
12 in making paper and paper-based packaging
13 more circular and sustainable through
14 market-based approaches, so we must
15 respectfully oppose the EPR Act as drafted.

16 Nearly 66 percent of paper was
17 recovered for recycling in 2020, and we have
18 met or exceeded 63 percent since 2009. In
19 fact, according to the U.S. EPA, more paper
20 by weight is recovered for recycling from
21 municipal waste streams than plastic, glass,
22 steel and aluminum combined.

23 Recycling is integrated into our
24 business. Our members own 114 materials

1 recovery facilities, including one in
2 New York, and 80 percent of paper mills use
3 some amount of recycled fiber. Eighty-eight
4 percent of New Yorkers have access to
5 curbside recycling. The industry has also
6 planned or announced around \$5 billion in
7 manufacturing infrastructure investments by
8 2023 that will result in an over
9 8-million-ton increase in capacity for
10 recycled fiber.

11 So for a highly recyclable material
12 like paper, EPR could disrupt efficient and
13 successful paper recycling streams in an
14 attempt to improve the least effective ones.
15 Without sufficient protections, there's a
16 strong potential that fees paid by highly
17 successful products will be subsidizing
18 low-performing products. This could result
19 in certain producers contributing fees with
20 little benefit to their own products, but
21 rather support infrastructure improvement for
22 competing materials.

23 Another concern is recycled content
24 requirements, which are not a

1 one-size-fits-all solution. Currently
2 recovered paper fiber can be put toward the
3 most efficient and appropriate uses as
4 determined by marketplace dynamics. But
5 setting mandates in statute removes the
6 flexibility of directing collected materials
7 to their best use as markets change and new
8 products are developed.

9 Mandating recycled content in paper
10 and paper-based packaging also does not
11 recognize the unique characteristics of paper
12 coming from a sustainably managed renewable
13 natural resource. New York has both virgin
14 and recovered fiber available, and supporting
15 family-wage jobs within state borders,
16 legislation should take all fiber sources
17 into consideration.

18 Future legislation should be based on
19 sound policy to benefit the environment and
20 best practices for doing business in the
21 state. The effort of industries that have
22 invested decades and billions of dollars into
23 successful, sustainable materials management
24 should be recognized, and we should not be

1 required to fund others who have not made
2 similar efforts and investments.

3 Thank you for your time.

4 CHAIRWOMAN KRUEGER: Thank you very
5 much.

6 Next is the National Waste & Recycling
7 Association.

8 MS. GERMAIN: Thank you for allowing
9 me to testify on behalf of the National Waste
10 & Recycling Association's New York chapter.
11 My name is Anne Germain, and I am the COO and
12 senior vice president of regulatory affairs.

13 NWRA represents the private-sector
14 waste and recycling industry, and our members
15 are committed to supporting the development
16 of economically sustainable and
17 environmentally friendly recycling. Given
18 our role in the recycling industry, we are
19 keenly interested in EPR legislation. EPR
20 has the potential to provide local
21 governments with increased funding to support
22 and improve recycling.

23 However, we have some concerns about
24 how EPR might get implemented. Besides NWRA,

1 there are numerous other stakeholders who
2 likely have similar concerns. In order to
3 implement EPR that considers relevant input,
4 EPR legislation should establish an advisory
5 committee that includes all stakeholders.
6 Further, the state should ensure that the
7 advisory committee's input is adequately
8 considered before approving any plan.

9 We also support the free market.
10 Maintaining competition will control costs,
11 which will still indirectly be borne by the
12 public. For that reason, EPR programs should
13 take advantage of existing recycling
14 infrastructure and build on it rather than
15 creating new or duplicative facilities
16 unnecessarily.

17 Municipalities and MRFs should be
18 incentivized to generate high-quality
19 products by giving them a portion of the
20 recyclable sales revenues. In addition,
21 local governments should retain control over
22 recycling with reimbursement from the PROs.
23 Municipalities know their communities. They
24 currently provide recycling and other

1 services such as trash, yard waste and
2 organics management.

3 Finally, it should be recognized that
4 EPR is not a silver bullet. For example, EPR
5 has not increased the amount of packaging
6 that is designed for recycling. EPR has not
7 created end markets. When China closed its
8 doors, countries with EPR were selling into
9 the same end markets and were impacted
10 similarly.

11 And EPR does not create recycled
12 content and packaging. Instead, it is a
13 financial mechanism that will allow
14 municipalities to weather commodity
15 fluctuations. Yet EPR will also increase the
16 supply of recyclables, which can further
17 exacerbate the supply/demand imbalance.

18 Recognizing that, we support
19 alternative recycling legislation that will
20 reduce market volatility. These include
21 establishing minimum content requirements for
22 packaging, establishing labeling requirements
23 that reduce consumer confusion, updating
24 New York's Bottle Bill, and focusing on

1 hard-to-handle materials such as batteries,
2 that are currently wreaking havoc in our
3 recycling systems.

4 Thank you.

5 CHAIRWOMAN KRUEGER: Thank you very
6 much.

7 Apparently No. 20 was having technical
8 difficulties. Have we gotten Susan Robinson
9 back yet?

10 THE MODERATOR: Not yet, Senator.
11 We're working on it.

12 CHAIRWOMAN KRUEGER: Okay. Okay,
13 Thank you. We will jump to 21 and hope that
14 we can get 20 back.

15 So Ryan Castalia.

16 MR. CASTALIA: Hello. And thank you,
17 Chair Krueger and Chair Weinstein, for the
18 opportunity to testify today.

19 My name is Ryan Castalia. I'm the
20 executive director of Sure We Can, New York
21 City's only nonprofit serving canners, those
22 who collect and redeem bottles and cans to
23 earn income.

24 I'd like to lift up and emphasize the

1 points made by Judith Enck, of whom we're a
2 great admirer at Sure We Can.

3 The New York State Bottle Bill, which
4 profoundly shapes the lives of canners, has
5 been an incredible success story. Like other
6 bottle bills in the United States and across
7 the world, it's led to waste diversion rates
8 for the materials it covers that surpass by
9 far most municipal recycling systems.

10 In New York, work done under the
11 Bottle Bill reduces street litter by
12 70 percent, and in 2020 helped recycle
13 5.5 billion bottles and cans -- over 200,000
14 tons -- at no cost to local governments. The
15 state even earns income from deposits that go
16 unredeemed. The more than 100 redemption
17 centers in our coalition support the jobs of
18 over 5,000 employees.

19 Importantly, the Bottle Bill also
20 helps some of New York's most marginalized
21 and underserved people earn crucial income,
22 essentially working as freelance recyclers
23 who capture what falls through the cracks of
24 municipal systems.

1 The Bottle Bill is an extant and
2 effective example of extended producer
3 responsibility. We've heard arguments that
4 Bottle Bill expansion is a distraction from
5 pursuing holistic EPR in New York State. We
6 feel this couldn't be further from the truth.
7 The Bottle Bill is EPR, and it works.

8 Rather than shifting direction to
9 create new and unwieldy systems that cede
10 oversight and control to profit-motivated
11 producers over the state and the people it
12 represents, we should expand the scope of
13 what is already working and reap the rewards
14 of higher recycling rates, greater community
15 participation in recycling, and greater
16 community benefit in the form of less litter,
17 less landfill waste, and more income for
18 underserved people.

19 The narrative of competition between
20 the Bottle Bill and EPR is one that creates
21 confusion on all sides and only benefits
22 those who stand to gain from a system that is
23 more obscure, exclusive, and expensive.

24 Bottle deposits work because they

1 empower normal people to engage directly with
2 sustainability and recognize the real value,
3 for themselves and for society, of materials
4 and of the act of recycling.

5 Unfortunately, today the Bottle Bill
6 is out of date. The 5-cent deposit on
7 beverages, which is 40 years old, is not
8 enough to encourage public participation or
9 to support the stigmatized workers who depend
10 on it for income. Entire categories of
11 beverage containers, like juice, coffee,
12 wine, and liquor, are not included.

13 I urge you to consider that in
14 New York, the bottle deposit should be raised
15 from 5 cents to 10 cents. The handling fee
16 that supports community redemption centers
17 like ours should rise from 3.5 cents to
18 5 cents. All beverage containers should
19 carry the deposit.

20 The work -- and workers -- that have
21 kept our streets clean from bottle and can
22 litter for decades should be recognized and
23 nurtured. A bigger, better Bottle Bill is
24 just the beginning. For those interested in

1 digging deeper, please join us for the
2 New York City Solid Waste Advisory Board's
3 hearings on EPR tomorrow.

4 Thank you so much again for your time.

5 CHAIRWOMAN KRUEGER: Thank you very
6 much, Ryan.

7 All right, any more luck with getting
8 Susan Robinson back online?

9 THE MODERATOR: Not yet, Senator.

10 CHAIRWOMAN KRUEGER: All right. I'm
11 going to start questions, and if we still get
12 Susan on, we will stop, let her testify, and
13 then keep going.

14 So with that, I see Senator Rachel
15 May's hand up.

16 SENATOR MAY: Yes, thank you,
17 Chair Krueger. And thanks to everybody who
18 presented.

19 This question is aimed at Judith and
20 Ryan. Thank you for speaking up about the
21 Bottle Bill. I was a little nonplussed when
22 I asked the commissioner, Commissioner Seggos
23 about it and he immediately started talking
24 about EPR. And not that I don't support EPR,

1 but I think confusing the two is a mistake.

2 So I guess I'm wondering if you can
3 say just a little bit more about how we can
4 keep those two concepts separate, if we
5 should. And for the Bottle Bill, Ryan, I
6 just have a question because I'm a big
7 supporter of the Bottle Bill, I carry some
8 bills that would expand it. But where I used
9 to live there were people who would come and
10 just root through our trash and make a huge
11 mess in order to find the bottles that they
12 might be able to pull out.

13 And I'm wondering if there are better
14 solutions, if there are ways people can
15 donate their bottles to -- you know, in a
16 more sanitary way to people who might then be
17 able to recover them.

18 MR. CASTALIA: Absolutely. Thanks for
19 your question. I'll answer the last part
20 first and say that -- I mean, I recognize,
21 absolutely, that's an issue. It's an issue
22 in our neighborhoods too.

23 However, we think through investment
24 from institutions, including the state or the

1 city, that structures can be created that
2 really support coexistence here, like a
3 modernized containerization systems that are
4 canner-friendly, messaging out to communities
5 to encourage the type of -- like a new stream
6 in recycling that could be just for
7 redeemables so people will be encouraged and
8 incentivized to separate those containers
9 before they go into the curbside mix, so that
10 we're not encountering those issues of
11 cleanliness and broken bags.

12 I'd also like to say -- I want to give
13 Judith a chance to respond too -- that
14 there's many forms of EPR, as we've already
15 heard from other panelists. And what we're
16 here to advocate for is a type of EPR that's
17 community-inclusive, both in the level of the
18 workers who are doing it and the people who
19 have oversight over the system. So that
20 means you, that means me, that means the
21 canners that we serve, we are all just in
22 this together.

23 MS. ENCK: And I would just add that
24 the Bottle Bill is a perfect example of EPR.

1 The producers have to take some
2 responsibility to take it back rather than
3 foisting costs onto taxpayers and others.

4 Unfortunately, Senator, there are two
5 provisions in the Governor's EPR bill that
6 actually may undercut the Bottle Bill, by
7 saying that noncarbonated beverages, for
8 instance, can't be added in the future.

9 So I think you are all incredibly
10 capable and you can handle both updating the
11 Bottle Bill, which is relatively
12 straightforward, and developing an extended
13 producer responsibility bill that has actual
14 standards and goals in it, and they can
15 complement each other. The Bottle Bill's
16 been around for 40 years, it's not perfect.
17 New Yorkers are used to it. It's a great way
18 to reduce litter. The people that Ryan work
19 with are providing an enormous public service
20 and --

21 CHAIRWOMAN KRUEGER: Judith, I have to
22 cut you off, I'm sorry. But we have many
23 people questioning, so you might get a
24 follow-up question.

1 Assemblywoman.

2 CHAIRWOMAN WEINSTEIN: Yes, we do have
3 a number of Assemblymembers.

4 We'll start with Assemblyman Ra.

5 ASSEMBLYMAN RA: Thank you, Chair.

6 Good evening, everybody. I have some
7 questions for Mr. Cookson.

8 Regarding the advanced recycling, my
9 understanding is there's 14 states that have
10 passed laws regulating advanced recycling
11 facilities as manufacturing facilities. So
12 obviously there's an industry out there.

13 Any thoughts on, you know, companies
14 that are out there and whether they are
15 looking to get into the New York market if we
16 really do this?

17 MR. COOKSON: Yeah, that's a great
18 question, and thank you. And actually,
19 interesting thing is South Carolina's
20 governor just signed their legislation into
21 law the other day, so technically it's 15
22 states. So 15 and counting. Hopefully
23 New York can be the 16th.

24 Yeah, there are many companies

1 interested in New York. Number one, it's a
2 big state. You obviously generate a decent
3 amount of plastics. We've estimated that if
4 New York sort of just recovered 25 percent of
5 the plastics that are currently going to
6 landfills and incinerators right now, and
7 built advanced recycling facilities, it would
8 add about \$502 million in annual economic
9 output.

10 And as I mentioned, you're taking
11 plastics and you're recycling them into a
12 feedstock that then displaces a virgin
13 feedstock. Right? So you would displace
14 virgin plastics of around 877,000 tons. So
15 think about the impact that would have,
16 really positive impact, on the environment.

17 Companies like Brightmark are -- were
18 going to try to testify today. Of course so
19 many companies didn't have the opportunity
20 to. They actually do renewable natural gas
21 as well, with business in New York.

22 Braven Environmental is a very
23 interesting company. It was actually birthed
24 in Yonkers, New York. They moved their

1 facility several years ago down to Raleigh,
2 North Carolina, but it's run by a couple of
3 New Yorkers. They would love to be in
4 New York with an opportunity, you know, if
5 you regulated advanced recycling as
6 manufacturing. They are doing great work.
7 They have off-take agreements with
8 Chevron Phillips Chemical.

9 So yes, so New York is a very
10 attractive state for many companies that are
11 doing this work.

12 ASSEMBLYMAN RA: So before I run out
13 of time here, so like what are some examples
14 of the types of post-use plastics that are
15 recycled at these facilities?

16 MR. COOKSON: Yeah, that's a great
17 question.

18 You know, think of the plastics that
19 are kind of tough to recycle right now. I
20 mean, we do a good job, like I said, of
21 recycling our milk jugs, our detergent
22 bottles, our soda and water bottles. But
23 it's kind of everything else.

24 Think about pouches, that whole --

1 granola or snack mix. Think about tubes,
2 your plastic tubes of face cream or
3 toothpaste. Think about agricultural film or
4 sometimes film that's found at the back of
5 different distribution centers and
6 warehouses. Those are harder-to-recycle
7 plastics and don't have great end markets
8 right now.

9 So a producer responsibility system in
10 New York would help that supply, grow that
11 supply, and then the advanced recycling would
12 be the demand. So it really complements
13 mechanical recycling and helps grow the
14 amounts and types of plastics that could be
15 recycled in New York.

16 ASSEMBLYMAN RA: Great. Thank you.

17 CHAIRWOMAN KRUEGER: Thank you.

18 Let's see. Senator O'Mara. Hello.

19 SENATOR O'MARA: I'm still here, Liz.

20 Thank you.

21 CHAIRWOMAN KRUEGER: Yes, you are.

22 SENATOR O'MARA: All right, let me
23 start out here as quick as I can and follow
24 up with Craig, because I had a couple of

1 questions on advanced recycling, since it's
2 certainly interested me since China stopped
3 taking our plastic waste several years ago.

4 And you answered a lot about the
5 opportunities here, but can you speak briefly
6 about two things that maybe you didn't get to
7 there. On the opportunities in New York
8 State for advanced recycling, what kind of
9 jobs would we be potentially thinking of in
10 New York that could be created in an industry
11 of recycling and taking advantage of this?

12 And then also address the emissions,
13 the environmental emissions from the process
14 of this advanced recycling.

15 MR. COOKSON: Sure. Two great
16 questions.

17 So first of all, types of jobs. I
18 mean, first of all, these are manufacturing
19 plants. So in the build phase, think of lots
20 of good construction union jobs, right, in
21 cement, in steel, in pipe, electricians,
22 engineering. Right? So chemical engineers,
23 right. So really good jobs.

24 And then of course once the plant is

1 operational, you need workers to make sure
2 that the plant is running. Again, very
3 high-tech jobs. This is a very high-tech
4 process, right? You're taking plastics; that
5 really is chemistry in motion.

6 And remind me real quick, your second
7 question?

8 SENATOR O'MARA: Emissions from the
9 process.

10 MR. COOKSON: Oh, emissions, yeah.
11 All right. Yeah, the emissions are very
12 benign.

13 So these technologies, what they do is
14 they take plastics, they heat them in the
15 absence of oxygen. So I want to just state
16 again, they're not burning plastics. Right?
17 Because if they burn anything, then they lose
18 that -- those resources to sell as a product.

19 They heat plastics in the absence of
20 oxygen until they turn into liquids, they
21 keep heating them until they turn into gas
22 vapors. And then you cool and condense those
23 gas vapors down to that liquid feedstock that
24 becomes a new feedstock for chemicals and

1 plastics again.

2 Now, there is a little bit of natural
3 gas that's used to get the system started.
4 Right? So think a boiler. There's also
5 non-condensable gases that come off the
6 system that are used as process energy, so
7 you don't need virgin natural gas. So it's
8 similar to a boiler that would heat hot water
9 or steam at a college, at Syracuse
10 University, or a hospital.

11 There's a report by Good Company that
12 goes into all the emissions and says that,
13 look, when you look at food manufacturing,
14 hospitals, universities, the buildings and
15 institutions we want in our communities, the
16 emissions are the same or lower than those
17 facilities.

18 SENATOR O'MARA: Thank you for that.

19 I want to move on quickly. Abigail,
20 on the forest and paper industry in New York,
21 which is extremely important to our forest
22 industries as well as the many jobs it
23 provides.

24 I know you're here talking about

1 recycling, but are you capable of answering
2 what the impacts and extra costs to the paper
3 industry in New York will be as a result of
4 some of these requirements of the Green
5 New Deal in New York?

6 MS. SZTEIN: That's a really great
7 question, and not one that I have notes
8 prepared for you today. We are working on
9 some comprehensive comments that we'll be
10 presenting as a part of the process later on
11 this year.

12 I know that John Bartow, with the
13 Empire State Forest Products Association, is
14 on the next panel, and he might be able to
15 get into that in more detail. Without
16 actually passing the buck to him --

17 SENATOR O'MARA: All right. No, I get
18 it. You know, I know you're here on this
19 issue. I'd forgotten he's coming up next.

20 But thank you. My time is up.

21 CHAIRWOMAN WEINSTEIN: Thank you.

22 We have a number of Assemblymembers.

23 We can go to Assemblyman Otis first.

24 ASSEMBLYMAN OTIS: Thank you, Helene.

1 I have a question for Judith. I was
2 very concerned in reading your testimony
3 having to do with the toxic packaging
4 materials. And it seems like there's no good
5 outcome for them. If they go through normal
6 waste disposal, it's not good. If they're
7 littered, it's not good. And they probably
8 cause -- create -- demand a lot of energy to
9 produce them to begin with.

10 In packaging today, some enlightened
11 businesses have gone to very safe packaging.
12 It's all sort of cardboard that you can
13 easily recycle. But can you share a little
14 more detail about some of the pollution or
15 external energy cost impacts of this type of
16 activity?

17 MS. ENCK: Sure. So toxics are a
18 particular problem with certain packaging --
19 for instance, PFAS is in some paper
20 packaging. The biggest problem, though, is
21 plastic packaging. And you don't want to
22 recycle material over and over again and
23 concentrate the toxins.

24 So Governor Hochul doesn't have toxins

1 in her EPR bill, but she has an accompanying
2 bill that would dramatically reduce the
3 presence of PFAS chemicals and phthalates in
4 packaging. I think that's a good start.

5 But the model bill that I and others
6 have worked on has a much longer list of
7 toxins that should be phased out of consumer
8 packaging.

9 ASSEMBLYMAN OTIS: Great. Well, we'll
10 follow up with you on that.

11 Thank you, Judith.

12 MS. ENCK: Sure thing.

13 CHAIRWOMAN KRUEGER: Thank you.

14 CHAIRWOMAN WEINSTEIN: Senator
15 Krueger, do you have any --

16 CHAIRWOMAN KRUEGER: I'm looking
17 carefully. You know, we get later and my
18 eyes get worse. But I don't believe I see
19 any more Senators right now.

20 CHAIRWOMAN WEINSTEIN: So let me go
21 through some -- call out some of the
22 Assemblymembers to go -- to question this
23 panel. We'll go to Assemblymember Lunsford,
24 to be followed by Assemblyman Palmesano.

1 ASSEMBLYWOMAN LUNSFORD: Were we able
2 to get Susan Robinson back?

3 THE MODERATOR: No, we're still
4 working on it.

5 ASSEMBLYWOMAN LUNSFORD: So very
6 unfortunately, my questions were for her. I
7 will just -- I will ask a question. If we
8 can get her back, I'd love to hear the
9 answer.

10 Waste Management operates the
11 High Acres Landfill, which is the failing
12 landfill in my district. We've been dealing
13 with fugitive gas odors from them for over
14 four years. We had over 50 complaints for
15 them today. I hear a lot from Waste
16 Management about their sustainability models.
17 I hear a lot from their community
18 representatives frankly gaslighting people in
19 my community, telling them that they can't
20 smell what they smell. And I would have
21 loved an opportunity to talk to her about
22 that.

23 But if she can make it back on, I'd
24 love to know what Waste Management, one of

1 the largest haulers in our state, is going to
2 do to help support organic waste diversion
3 and figure out ways to make that market more
4 amenable to people so that we can begin to
5 deal with the things that are making my
6 landfill smell.

7 So if she has an opportunity to
8 respond to those questions here tonight, I'd
9 love to hear it. Otherwise she can reach out
10 to my office. Thank you.

11 CHAIRWOMAN WEINSTEIN: Thank you.

12 So now we'll go to Assemblyman
13 Palmesano.

14 ASSEMBLYMAN PALMESANO: Yes, good
15 evening. Thank you for your patience.

16 I wanted to just kind of talk about
17 the extended producer responsibility issue a
18 little bit. I've been hearing about this
19 issue, starting last year with the
20 legislation, primarily from farm wineries,
21 which I have a number of farm wineries. I
22 think I have more farm wineries in my
23 district than any other member of the
24 Legislature. Also the organization that

1 represents I think a number of -- like 480
2 wineries across the state, expressing their
3 concerns.

4 And then once this was included in the
5 budget, I think it heightened the level of
6 concern. And I know a number of you have
7 been talking about that, certainly on the
8 farm and agricultural side, you know, how
9 that would impact their agricultural
10 operations and their farm operations.

11 So I guess my main question to you,
12 since this is included in the budget -- and I
13 know many of you offered some insights on
14 this -- and we're talking about a
15 \$216 billion budget, would it be your
16 recommendation to us in the Legislature to
17 push back to Governor Hochul and say, Listen,
18 we appreciate your attention on this issue
19 but we should pull this out of the budget,
20 maybe conduct some hearings, public hearings
21 on this, invite stakeholders so we can get
22 feedback from all those who will be impacted
23 by this so if this is the direction we're
24 going, we can do it the proper way and the

1 right way instead of trying to rush and
2 squeeze it in the middle of a \$216 billion
3 budget document? And then obviously conduct
4 maybe a needs assessment to really kind of
5 see where we are with the process.

6 Would it be your recommendation to us
7 to take a step back, keep focusing on this
8 issue but take it out of the budget and keep
9 working and moving forward with these public
10 hearings, with the stakeholders who would be
11 impacted by this? Because far too often, you
12 know, I believe people have good intentions,
13 but we always don't include the stakeholders
14 on a number of these issues. And I think
15 maybe by having public hearings like we do on
16 a host of issues, would that be the better
17 approach so stakeholders can come forward and
18 talk about that and have roundtables and then
19 really kind of see where we're going from
20 that perspective? Would that be the
21 recommendation of the panel here, primarily?

22 MS. ENCK: Well, I always support more
23 public participation. I think public
24 hearings and roundtables are a good idea.

1 It's certainly up to the Legislature if you
2 want to do this as part of the budget or not.

3 I've only been looking at extended
4 producer responsibility for about 25 years,
5 and the concept is sound. But we've got to
6 get the structure right. I think this will
7 actually help wineries in the Finger Lakes.
8 We can have conversations about refillable
9 glass bottles. And the reason I suggested
10 something in the bond act for waste reduction
11 is we could have commercial bottle operations
12 to support wineries.

13 ASSEMBLYMAN PALMESANO: And I think
14 they want to be part of that discussion. I
15 think they just want to have a seat at the
16 table. Because I think right now just
17 thrusting this upon them without any
18 structure or organization, they're not ready
19 for that fiscally or mechanically. And I
20 think that's the concern.

21 And also I just wondered, what's your
22 thoughts -- should we pull this out, look at
23 it and do it from an individual perspective?
24 And should we have local governments retain

1 control of this process?

2 CHAIRWOMAN WEINSTEIN: We will go to
3 Assemblywoman Hyndman.

4 ASSEMBLYWOMAN HYNDMAN: Thank you very
5 much. I have two waste transfer facilities
6 in my district, and I've learned more about
7 solid waste than I could ever have imagined.
8 I've been to Covanta, which is one of the
9 their facilities in Nassau County, and a
10 Brooklyn facility near the waterfront. And I
11 saw the vast amounts of plastic. It was
12 really mind-boggling to see the amount of
13 waste that we have contributed to society.

14 So my questions are just for Craig.
15 And you mentioned the two facilities in
16 North Carolina and South Carolina. And do
17 those facilities contribute to the -- do they
18 offer a tax base or a revenue to those two
19 states?

20 MR. COOKSON: So let me first start
21 with -- a great question, and kind of
22 piggybacking off what one of the earlier
23 lawmakers said as well, is you said you saw a
24 lot of plastics, right, at the transfer

1 facility in Brooklyn as well --

2 ASSEMBLYWOMAN HYNDMAN: More than I
3 ever would have imagined.

4 MR. COOKSON: And so plastics --
5 let's -- you know, they have a great
6 sustainability story to tell. Right? I
7 mean, keep food fresh longer, very important.
8 Food waste is a huge contributor to
9 greenhouse gas emissions. Lightweight our
10 automobiles, help buildings be more energy
11 efficient. But we candidly agree, we have
12 not done a good enough job of recycling and
13 recovering plastics after they've been used.

14 So as we're talking about the budget
15 here today, it's very important, you know,
16 from a producer responsibility system, is
17 that's going to help with the supply, right?
18 It's going to bring money into the system
19 that's going to get better collection, better
20 outreach to residents to help them recycle
21 smarter, provide more access.

22 But we also need the demand. Those
23 plastics that you saw, the challenge is is
24 there aren't strong end-markets for those

1 plastics. So that's where advanced recycling
2 comes in. It can take a heterogeneous mix of
3 plastics, it can take those harder-to-recycle
4 plastics -- as I mentioned, the pouches and
5 the tubes and the films, other -- you know,
6 lids, things like that. So there's a real
7 good opportunity.

8 Now, yes, if built, you know, the
9 facilities in North Carolina, yes, offer a
10 solid tax base. Right? Because they pay
11 good wages. Also the economic impact of jobs
12 in the community.

13 Closed Loop Partners -- so hope folks
14 can look up the study afterwards, or we can
15 provide it -- they estimated several years
16 ago in a report on advanced recycling that if
17 we fully commercialize this industry in the
18 United States and Canada, it could provide
19 \$120 billion in economic impact. Much better
20 than shipping our plastics over to China or
21 overseas. Right? Let's take care of our
22 post-use materials here in the United States
23 and New York.

24 ASSEMBLYWOMAN HYNDMAN: Would these

1 facilities comply with New York's Climate
2 Leadership and Community Protection Act?

3 MR. COOKSON: Yes, of course.

4 ASSEMBLYWOMAN HYNDMAN: Thank you.

5 MR. COOKSON: Thank you.

6 CHAIRWOMAN WEINSTEIN: We go to
7 Assemblywoman Kelles.

8 ASSEMBLYWOMAN KELLES: Yes, I just
9 wanted to follow up with Assemblymember
10 Hyndman's questions with -- and share a few
11 of my concerns with advanced recycling just
12 to ask input.

13 The evaluation of the industry across
14 the country has actually resulted in a lot of
15 data showing companies struggling with the
16 same obstacles that have bedeviled
17 traditional recyclers for decades. And
18 that's like expensive collecting, sorting and
19 cleaning plastic trash, and creating end
20 products that can compete on price and
21 quality. And so that has led to a lot of the
22 companies closing or struggling economically.

23 And my other concern is that
24 despite -- there's been a scarcity of data --

1 a lot of this has been pushed by the oil and
2 gas industry. But the studies that do exist
3 show that pyrolysis and gasification of
4 plastic waste releases toxic substances,
5 toxic additives and contaminants, some of
6 which are already banned by national
7 regulations, such as bisphenol A, cadmium,
8 benzene, brominated compounds, phthalates,
9 lead, tin, antimony and volatile organic
10 compounds -- the list continues.

11 So, you know, I'm concerned and I
12 think that the -- you know, industry is not
13 at a place that it would actually meet the
14 CLCPA standards, particularly at these
15 facilities or in areas that are, you know,
16 magnifying issues with environmental justice
17 communities. So I just wanted to add my
18 concern about that.

19 And switching gears really quickly to
20 the EPR in the budget. This is a question
21 for Ryan and Judith. Can you talk a little
22 bit more of the details that you would like
23 to see beyond the consumer participation?
24 And Judith, you mentioned several as well,

1 and my brain is blowing up and exhausted.
2 But I'd love to hear some more of the details
3 because I know of the concern with what is
4 currently in the budget.

5 MS. ENCK: Yeah, we've given you a
6 model bill. And just like you have fuel
7 efficiency standards for cars and appliances,
8 we need environmental standards for
9 packaging. And we shouldn't leave it to the
10 packaging industry to figure that out, which
11 unfortunately is what the budget bill does.

12 The budget bill also does allow for
13 some degree of chemical recycling. Chemical
14 recycling is not the smart direction to take.
15 In fact, in Senator Mannion's bill that was
16 referenced in testimony, these, quote,
17 advanced recycling facilities shall be exempt
18 from permitting and regulatory requirements
19 applicable to solid waste management
20 facilities. That speaks volumes. There's no
21 federal regulation of the facility, and the
22 chemical companies are trying to become
23 exempt from state regulation.

24 ASSEMBLYWOMAN KELLES: Thank you.

1 CHAIRWOMAN WEINSTEIN: Okay, we go to
2 Assemblyman Burdick.

3 ASSEMBLYMAN BURDICK: Thank you,
4 Chair Weinstein.

5 I have some questions for Judith. And
6 I was noticing in your written testimony you
7 had the list that you referred to before of
8 toxic chemicals that should be banned from
9 the sale or distribution of packaging. You
10 also made reference at the end to a model
11 bill, and I'm wondering if you could provide
12 that to us.

13 I think that one of the questions that
14 certainly would come up -- and perhaps you
15 can address it -- is that if you were to ban
16 all of these chemicals, then what kind of
17 substitutes might be available and at what
18 cost?

19 MS. ENCK: Sure. And I'm happy to
20 provide you with the model bill.

21 There are thousands of chemicals used
22 in commerce -- about 8,000. Very few have
23 been tested for health and environmental
24 impacts. So we're recommending that you

1 eliminate the most toxic chemicals first.
2 There are a number of less-toxic chemicals
3 than the ones we list. And I think it's
4 really good to have conversations with the
5 public: Do we want formaldehyde in consumer
6 packaging? Do we want perchlorate? Do we
7 want cadmium and mercury?

8 Those are the chemicals that we need
9 to get out of packaging, particularly if you
10 want mechanical recycling to rise higher than
11 the anemic current plastic recycling rate of
12 8.5 percent. There is not enough going on
13 with green chemistry. And when I was in the
14 Governor's office, I was a champion of the
15 Pollution Prevention Institute at I think the
16 University of Rochester. They should be
17 pulled in for --

18 ASSEMBLYMAN BURDICK: Can I just ask
19 one other question, though?

20 MS. ENCK: Yeah.

21 ASSEMBLYMAN BURDICK: But then I don't
22 think you're still answering the question
23 about the substitutes and whether
24 cost-effective substitutes are available.

1 MS. ENCK: Yes. Unfortunately,
2 chemicals are very cheap. There are many,
3 many alternatives than -- to the ones we list
4 in the bill.

5 ASSEMBLYMAN BURDICK: I see. Good.
6 Well, thank you. That's very helpful to have
7 that. So I look forward to seeing the model
8 bill. Thank you. That's all.

9 CHAIRWOMAN WEINSTEIN: We still have
10 Assemblyman Englebright, and then
11 Assemblyman Walczyk.

12 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
13 Madam Chair.

14 I want to just reflect for a minute on
15 some of what I just heard about the promise
16 of recycling of mixed-use plastics. In the
17 early 1980s, I was in the Suffolk County
18 Legislature. Judith -- both of us were
19 younger then, but I think you have the long
20 view on this. We passed -- after the longest
21 hearing in the history of the county
22 legislature, we passed the plastics bill that
23 banned single-use plastics.

24 The industry came back in force. They

1 first sued the county, and two years later
2 when the county finally won, they influenced
3 enough of my colleagues in the county
4 legislature to make it a voluntary program
5 because they promised recycling. And they
6 promised that this was going to be a new
7 moment in the history of solid waste.

8 From your perspective, should we trust
9 this industry? Has it changed? Because back
10 in the mid-1980s they made those promises and
11 then they broke those promises. And now
12 we're looking at the possibility, it seems to
13 me, at the state level -- not just the county
14 level, but at the state level of being placed
15 in a position of relying upon those same
16 instincts and initiatives.

17 And I'm just wondering if I've missed
18 something or whether there really has been a
19 sea change in the corporate mentality,
20 strategy and ethic.

21 MS. ENCK: Well, Assemblyman, I would
22 argue that it's actually gotten worse.

23 And we shouldn't be surprised by it.
24 Plastics are made from chemicals and fossil

1 fuels. And so while we're pushing to reduce
2 plastic, because it's devastating the ocean,
3 contributing to climate change, and resulting
4 in more emissions in environmental justice
5 communities that host incinerators and
6 landfills -- I understand, companies want to
7 sell chemicals and fossil fuels. That's
8 where the Legislature needs to step in.

9 For 30 years we were told, don't worry
10 about plastic packaging, just put it in your
11 recycling bin. And the recycling rate for
12 plastics is 8.5 percent. Now we're told, no,
13 rely on advanced recycling, which -- I'm
14 really happy to have a more detailed
15 conversation -- is a type of burning. It's
16 called pyrolysis, p-y-r-o. The gentleman
17 from the Chemical Council today said it's
18 heating at high temperature to liquid to gas
19 vapors with natural gas. That does not sound
20 really benign.

21 And that is why the bill from
22 Senator Mannion attempts to exempt chemical
23 recycling from major environmental
24 permitting.

1 So in short, I think it's gotten worse
2 and why the State Legislature should pass a
3 very strong EPR bill that actually works.

4 CHAIRWOMAN WEINSTEIN: Thank you.

5 ASSEMBLYMAN ENGLEBRIGHT: Madam Chair,
6 thank you very much.

7 CHAIRWOMAN WEINSTEIN: We'll go to
8 Assemblyman Walczyk.

9 ASSEMBLYMAN WALCZYK: Thanks,
10 Madam Chair.

11 Should we be wasting our time
12 recycling glass?

13 MS. ENCK: I think we should put in
14 systems to refill glass, like soda bottles,
15 the way it used to be, and wine bottles.
16 Because wineries are spending a lot of money
17 buying glass. If you can't refill,
18 definitely keep recycling glass because it's
19 better than sending it to incinerators and
20 landfills. We have to not fill up landfills.
21 And glass doesn't burn particularly well when
22 it goes to the Covanta incinerator or other
23 incinerator facilities. And then --

24 ASSEMBLYMAN WALCZYK: Are you guys all

1 unanimous on that?

2 Because there's -- I mean, there's no
3 market for cullet. Most of the glass that
4 gets recycled in New York State is getting
5 dumped into a landfill after it goes through
6 all of this. It's a MRF killer, hurts a lot
7 of other recycled products. So if it's glass
8 that doesn't have that refillable ability,
9 shouldn't we just trash it in the first
10 place?

11 MS. ENCK: No. You should have more
12 recycled content in glass bottles, which a
13 strong EPR bill would require.

14 ASSEMBLYMAN WALCZYK: Yeah, I think
15 we're saying two different things.

16 If it's a glass bottle like -- let's
17 take tomato sauce, for example. That you're
18 not going to put tomato sauce back in that
19 thing. Are we better off putting that
20 through our recycling process, putting it
21 through a MRF, cleaning it in our sink,
22 putting it in the bin, to have it crushed
23 into cullet that doesn't have a market and
24 then it gets dumped into landfill after

1 traveling there by truck anyway? Wouldn't it
2 just be better for somebody to throw that
3 bottle in the trash?

4 MS. ENCK: No.

5 ASSEMBLYMAN WALCZYK: No. Okay, all
6 right.

7 Next question, what are we going to do
8 with all of the Freon for the ductless
9 mini-splits? How are we going to recycle
10 those in the future?

11 MS. GERMAIN: I don't know what the
12 ductless mini-splits are.

13 ASSEMBLYMAN WALCZYK: We had a pretty
14 robust discussion about ductless mini-splits,
15 air heat pump technology. One of those
16 things, on average, contains about 12 pounds
17 of Freon, which is pretty significant. We
18 handle our refrigerators, you know, we try
19 not to let these ozone-depleters into the
20 atmosphere a lot. New York is really leaning
21 forward into it, and I heard a lot of
22 testimony today about this technology.

23 It's going to put a lot of global
24 warming potential gases in possibly

1 vulnerable situations. I'm just wondering,
2 you know, ten years down the road, what's the
3 recycling plan for all of that Freon look
4 like?

5 And that's my last question. Thanks.

6 MS. GERMAIN: I'm going to say from
7 the waste and recycling perspective we
8 haven't really been focused on these ductless
9 mini-splits.

10 But in general, when we look at Freon,
11 they're usually recovered by the facilities
12 that operate the refrigerants. So they're
13 usually recovered. Air conditioners and
14 refrigerators and freezers that come to
15 landfills usually have the Freon recovered.

16 So if it's something along those
17 lines, they're -- you know, if that's
18 required, then it would have to be segregated
19 for Freon recovery to occur.

20 CHAIRWOMAN KRUEGER: Thank you. I'm
21 going to leave it at that for tonight.

22 CHAIRWOMAN WEINSTEIN: Senator
23 Krueger, I just wanted to say one thing. I'm
24 going to break my rule about asking a

1 question.

2 I just wanted to say, as probably one
3 of maybe two members who was an original
4 sponsor of the Bottle Bill some 40 years ago,
5 I do think that it is time that -- it is long
6 past time for an update, and I appreciate the
7 work that so many people in this panel,
8 particularly Judith, who we've known and
9 worked with for a long time, have done in
10 this area.

11 And with that, Senator Krueger, I turn
12 it back to you.

13 CHAIRWOMAN KRUEGER: Thank you. Thank
14 you for reminding us all of that, Helene.

15 And amusingly, I joined the Senate
16 20 years ago, and one of my first bills that
17 I introduced was a move to 10 cents from
18 5 cents and expand the types of bottles
19 covered. So many of us have been exploring
20 these roads for indeed a very long time.
21 Obviously I was not successful then, Judith,
22 and you know that.

23 I'm going to move us to the next
24 panel. We still have two panels left, and we

1 have hit our 13th hour. So this is for the
2 true men and women amongst you.

3 Thank you all very much for being on
4 the panel we're excusing.

5 And I'm now announcing Clean and
6 Healthy New York, Roberta Wilding;
7 Empire State Forest Products Association,
8 John Bartow; Environmental Advocates
9 New York, Kate Kurera; Earthjustice,
10 Elizabeth Moran; and The Nature Conservancy
11 in New York, Jessica Ottney Mahar.

12 Good evening, everyone. We're just
13 going to go down that list. So Roberta
14 first, please.

15 MS. WILDING: Good evening,
16 Chair Krueger and Chair Weinstein and
17 committee members. Bless you for still being
18 here in Hour 13.

19 My name is Bobbi Wilding. I'm the
20 executive director of Clean and Healthy
21 New York. Our mission is to build a just and
22 healthy society where toxic chemicals are
23 simply unthinkable. I think the conversation
24 we were just having might benefit from some

1 additional context.

2 Unlike climate change, which is widely
3 regarded as a global problem, we rarely
4 discuss the fact that chemical pollution is
5 also pushing the bounds of what our planet
6 can sustain. A study just published in
7 January from the Stockholm Resilience Center
8 found that there's been a fifty-fold increase
9 in the production of chemicals, including
10 plastic, since 1950, and this is projected to
11 triple again by 2050.

12 The pace that societies are producing
13 and releasing chemicals into the environment,
14 and new chemicals into the environment, is
15 not consistent with staying within safe
16 operating space for humanity. And don't
17 forget, the vast majority of these chemicals
18 are from the petrochemical industry.

19 Toxics harm our health, they
20 contribute to many chronic diseases, and they
21 fall disproportionately on communities of
22 color.

23 So I just want to focus on several key
24 things in the budget that we strongly support

1 for moving to a just, nontoxic and
2 regenerative economy.

3 First is we strongly support the
4 growth of the Environmental Protection Fund
5 to \$400 million. Within that, we urge you to
6 increase, in your one-house budgets, funding
7 for the Pollution Prevention Institute to
8 help us get those solutions, to an overall
9 \$7.5 million, with \$500,000 going to the
10 Interstate Chemicals Clearinghouse, which
11 will allow us to collaborate with other
12 states to collect information on toxics and
13 products.

14 Increase funding for the Children's
15 Environmental Health Centers to \$4 million
16 from the Governor's 2 million. These centers
17 provide support to pediatric practices to
18 identify, treat and prevent diseases with
19 environmental origins.

20 And support the recycling line
21 increase from \$15 million to 16 million.
22 This also supports the new Center for
23 Sustainable Materials Management, which can
24 help with a lot of things we were just

1 discussing. And we also support the addition
2 of \$5 million to the Environmental Justice
3 line.

4 We strongly urge even more of an
5 increase in DEC staffing. We support the
6 100 additional FTE but note that at the peak
7 of its staff there were 4,000 staff at DEC.
8 And before the cuts during the Great
9 Recession, there were 3500 staff. Adding
10 only 100 back to get to 3100 is not adequate.

11 Finally, we strongly support an
12 effective extended producer responsibility
13 packaging law and believe that it's critical
14 to include those toxic chemicals and
15 expanding the Toxics in Packaging law.

16 And I want to just say things framed
17 as chemical recycling don't get us to the
18 long-term solution we need. We need
19 reusable, repairable, remanufacturable,
20 nontoxic things that we can keep cycling
21 through with confidence.

22 Thank you.

23 (Pause.)

24 MR. BARTOW: Okay, are you ready for

1 me to start?

2 CHAIRWOMAN KRUEGER: I was on mute, I
3 apologize. I said Empire State Forest
4 Products next.

5 MR. BARTOW: Okay. Thank you very
6 much, Senator Krueger and Assemblywoman
7 Weinstein, for allowing us to speak tonight.
8 I'm John Bartow, executive director of the
9 Empire State Forest Products Association.

10 We submitted a detail set of testimony
11 on a number of matters in the TED bill as
12 well as other pieces of the budget, and I
13 just want to highlight four quick things here
14 right now.

15 The first is the Freshwater Wetlands
16 Act amendments that are included in the
17 Governor's proposed Article VII bills. ESFPA
18 is concerned because language changes have
19 eliminated a 50-year standing exemption for
20 certain silvicultural practices. We've
21 worked with Assemblyman Englebright and
22 Senator Harckham on similar legislation that
23 would retain that. And if we were able to
24 keep that exemption in, we would support this

1 legislation.

2 We do have concerns on the extended
3 producer responsibility and the inclusion of
4 paper and paper packaging, because a lot of
5 the legislation does not recognize the unique
6 circumstances of paper. As highlighted
7 earlier, paper and paper-based packaging are
8 highly recovered and recycled at a rate of
9 63 percent since 2009. That's higher than
10 any other products that would be covered in
11 total.

12 The second being including paper and
13 paper packaging could result in a
14 cross-subsidization of materials that largely
15 do not share these same high recycling rates.

16 Mandating content requirements also
17 does not take all fiber sources into
18 consideration. New York has both virgin and
19 recovered fiber available. Our virgin fiber
20 mills support over 1200 union, high-paying,
21 family supporting wage jobs in the
22 North Country of New York, as well as an
23 additional 2,000 other contractors of loggers
24 and haulers that contribute to that economy.

1 Next I'd like to say we are in support
2 of the Clean Water, Clean Air, Green Jobs
3 Bond Act as well as the increase in the EPF.
4 We're supporting these additions and increase
5 in funding particularly for investments that
6 can be realized in private forests that
7 account for over 75 percent of the forest in
8 New York and are the single largest natural
9 solution to climate change.

10 We are concerned, however, that the
11 level of funding for private working forests
12 or family forests is underfunded. If we
13 expect to achieve the climate and other
14 benefits that forests provide, we must get
15 the level of funding to scale so that we can
16 achieve additionality that our forests can
17 yield.

18 Finally, I wanted to address the
19 advanced building code requirements that are
20 included in the TED Part EEE. We have
21 concerns with the proposals in terms of
22 energy efficiency standards for appliances
23 that appear to be creeping into industry and
24 manufacturing equipment but do not reflect

1 the unique needs of individual sectors of
2 manufacturing.

3 The requirement for zero onsite
4 greenhouse gas emissions for new construction
5 no later than 2027 does not take into
6 consideration the use of biogenic residuals
7 in wood product manufacturing, where we use
8 our chips, sawdust and whatnot.

9 And then finally, the promulgation of
10 these advanced standards we think should be
11 vetted through the climate scoping plan and
12 subsequent regulatory rulemaking.

13 Thank you. Appreciate the time, and
14 I'll answer any questions you have.

15 CHAIRWOMAN KRUEGER: Thank you.

16 Environmental Advocates New York,
17 Kate Kurera.

18 MS. KURERA: Hi, everyone. Thank you,
19 Chairwomen. Good evening, all.

20 On behalf of Environmental Advocates
21 NY, it's a pleasure to provide you some brief
22 remarks and highlights from our written
23 testimony.

24 I'll start by saying that a lot of our

1 organizational priorities were covered in the
2 first part of the day that focused on clean
3 energy and climate spending. Funding
4 implementation for the Climate Law remains
5 one of our utmost priorities. And I can't
6 overstate the importance of getting New York
7 on a path quickly to generate funds to
8 sustain our commitments to New Yorkers, in
9 particular environmental justice and
10 disadvantaged communities.

11 So in light of the lack of dedicated
12 funding that's in the Executive Budget, it's
13 particularly disappointing to see the
14 continued raids -- or the continued diversion
15 of RGGI funds to the General Fund. President
16 Harris earlier today mentioned she felt this
17 was -- the diversion was in alignment with
18 the CLCPA because the funds go to a Solar
19 Energy Tax Credit. But I'm a hundred percent
20 sure that the Executive Budget calls for
21 diverting those funds just to the General
22 Fund.

23 So we really urge the Legislature to
24 reject that transfer once and for all, and

1 have those funds be used for their intended
2 purpose.

3 Getting to some of the other
4 environmental aspects of the Executive
5 Budget, many of which we were very happy to
6 see, we strongly support the historic
7 increase in the Environmental Protection Fund
8 and the increase in the Environmental Bond
9 Act as well as to staffing in DEC, all
10 critically important for our environment and
11 New Yorkers. We do encourage that the
12 unallocated portions of the bond act be
13 directed to support school bus
14 electrification in disadvantaged communities,
15 an area identified as needing more support.

16 We also support the Executive's
17 proposal for including the \$500 million for
18 the Clean Water Infrastructure Act, but our
19 data suggests that a lot more money is
20 needed, and we would therefore support
21 \$1 billion for the Clean Water Infrastructure
22 Funding.

23 We also support the Executive's
24 proposal to appropriate \$120 million to the

1 Low-Income Household Water Assistance
2 Program. We know we need more than this.
3 The amount of -- the millions of dollars in
4 water and wastewater arrears is staggering,
5 and we urge the Legislature to allocate an
6 additional \$280 million from pandemic
7 recovery funds.

8 Lastly but very importantly -- and
9 it's been discussed in the last panel, and I
10 have a lot of opinions on this, but I'll be
11 brief -- in terms of we're very encouraged to
12 see an extended producer responsibility bill
13 put forth by the Governor. This is a very
14 important piece to addressing our solid waste
15 crisis. But we will echo a lot of the
16 comments we've heard earlier, and some
17 concerns, that having a meaningful EPR
18 program and to see these systemic changes to
19 produce less waste, hold producers
20 responsible, make recycling easily accessible
21 for households as well as provide municipal
22 financing, requires that we take all of these
23 things into account and think about them
24 collectively to achieve these goals.

1 Thank you so much for your time this
2 evening.

3 CHAIRWOMAN KRUEGER: Thank you very
4 much.

5 Next, Earthjustice, Elizabeth Moran.

6 MS. MORAN: Good evening. My name is
7 Liz Moran, and I'm the New York policy
8 advocate for Earthjustice. Thank you so much
9 for the opportunity to testify this evening.
10 I know you've devoted so much time to today's
11 hearing and it's been a long day.

12 Earthjustice is excited to see many of
13 the Governor's proposals and increased
14 investments in her Executive Budget proposal,
15 but we believe it's absolutely essential for
16 the Legislature to strengthen and build upon
17 several of these proposals, which we've
18 detailed in the written testimony we
19 submitted.

20 To summarize our positions, we feel a
21 strong budget for the environment must have
22 the following: \$15 billion in climate
23 funding. We know the climate crisis is only
24 worsening, and we know we're going to have to

1 fund the policies we need to make sure we
2 meet our CLCPA goals. This can be done by
3 ending some of the most egregious fossil fuel
4 subsidies and by passing policies like the
5 Climate and Community Investment Act.

6 We support \$1 billion for the Clean
7 Water Infrastructure Act. We are urging that
8 a ban on gas for new construction is passed
9 and implemented by the end of 2023. We'd
10 like to see increased funding for
11 electrification of the state fleet, and that
12 must include medium- and heavy-duty vehicles.
13 Additionally, we are opposed to absolutely
14 any raid to RGGI funds.

15 And we also have some significant
16 concerns about the EPR program as it's been
17 proposed and currently written. And we'd
18 also like to see an expanded and updated
19 bottle deposit law.

20 We detail far more, in terms of what
21 we would like to see, in our written
22 testimony. But I'd like to transition to a
23 couple -- kind of issues you've heard a bit
24 about today: Banning fossil fuels in new

1 construction and addressing the
2 energy-consumptive cryptocurrency mining
3 industry.

4 We urge the Legislature to include
5 Senate Bill 6843A/Assembly A8431 in the
6 budget. This legislation would ban gas in
7 new construction starting in 2024. 2027, as
8 the Governor has proposed, is far too slow,
9 and public health is already being harmed by
10 fossil fuel combustion in buildings.

11 Additionally, we already are doing
12 this in New York. In our written testimony
13 we have listed some of the many projects
14 already underway or that have been
15 constructed that are already all-electric.
16 So this is entirely feasible to do, it will
17 create jobs and protect public health.

18 And lastly, we urge the Legislature to
19 pass Assembly Bill 7389B this legislative
20 session, which would establish a moratorium
21 on proof-of-work cryptocurrency mining that
22 relies upon fossil fuels. This is a very
23 commonsense measure and would trigger an
24 environmental review process in the state so

1 we can actually evaluate the economic impacts
2 the industry is arguing it will have against
3 the environmental harms we know will come to
4 be if this industry expands.

5 So thank you all so much for the
6 opportunity to testify today, and we look
7 forward to working with you.

8 CHAIRWOMAN KRUEGER: Thank you very
9 much, Liz.

10 Next, Jessica Ottney, The Nature
11 Conservancy. And it's no longer Jessica
12 Ottney, it's Jessica Ottney Mahar.

13 MS. OTTNEY MAHAR: That's okay. Thank
14 you, Senator. Thanks to you and Chair
15 Weinstein as well as Chairman Englebright and
16 all of the members who have really been
17 leaning in through a long year. We
18 appreciate you.

19 And I wanted to start by thanking you
20 for your strong support of environmental
21 funding over so many years -- decades, in
22 fact. This budget is really built on
23 victories that have been brought by
24 bipartisan support for environmental funding

1 in our state over the years. And it's
2 incredible to sit here and say that we're
3 seeing a budget with a \$400 million EPF.
4 This is a historic funding level. We're on a
5 pathway to reach the environmental
6 community's long-term goal, which is
7 500 million. And we're seeing a proposal
8 that really continues to build on excellent
9 work to broaden the purpose of that fund, to
10 reach more communities and more people. But
11 this is funding that's been supporting
12 projects in every county of New York State
13 since 1993, and it's been doing that with
14 your support. So thank you for that.

15 We're very excited about the proposal
16 the Governor put forward, and in my written
17 testimony I make several comments regarding
18 different categories of funding. I was
19 remiss in not including something that some
20 of you brought up earlier today, which is the
21 need to restore the Peconic Estuary Program
22 funding. Thank you, Assemblyman Englebright,
23 for raising that. And there are some other
24 pieces in my testimony that you can refer to.

1 I'm also very excited to be back here
2 talking to you as we work towards finally
3 getting our Environmental Bond Act on the
4 ballot this November. We know it's been a
5 generation -- literally -- since 1996, since
6 we've had an environmental bond act in
7 New York State. And this proposal by the
8 Governor to add a billion dollars and rename
9 the bond act to something that clearly
10 communicates the purpose to voters is an
11 important step forward in getting this policy
12 finally approved by New Yorkers.

13 The Nature Conservancy did some public
14 opinion research this fall after the last
15 election and found two-thirds of New Yorkers
16 support this measure, and we're really
17 excited to be working with so many partners
18 in furtherance of having this passed.

19 I did just want to note that it's
20 important that the bond act includes a
21 threshold at 35 percent of the funding must
22 be spent in environmental justice
23 communities. I know there's conversations
24 about increasing that, maybe to even

1 40 percent, which we fully support. This is
2 a really unique aspect that's never been done
3 in a bond act before, and I think it's very
4 timely and long overdue.

5 I'd also like to call your attention
6 to the AECOM report that's linked in my study
7 that quantifies the job-creation potential of
8 the bond act. That's being updated now, so
9 look for more numbers on that soon.

10 And I did just want to put in a
11 mention for the Governor's proposal to update
12 our wetlands regulations, which has been the
13 subject of many discussions and negotiations,
14 and thank the Governor and the Legislature
15 for leaning in. Hopefully we can get to an
16 agreement this year and protect more of our
17 wetlands across New York State.

18 Thank you.

19 CHAIRWOMAN KRUEGER: Thank you very
20 much.

21 And now let's see who would like to
22 ask any questions at this hour. I see no
23 Senators, so I will pass it to my dear friend
24 Helene Weinstein.

1 CHAIRWOMAN WEINSTEIN: So before I
2 call on the Assemblymembers, I want to just
3 note that I've been ignoring my watch's
4 request that I stand. It is 13 and a half
5 hours; we will be back here at 9:30. If you
6 have a question for the panel, feel free to
7 ask a question when I call on you. If you
8 want to make a statement, why don't you put
9 it in writing and mail it to Liz and me.

10 So with that, I will call on
11 Assemblyman Walczyk.

12 ASSEMBLYMAN WALCZYK: Thank you,
13 Madam Chair.

14 The first question is for Ms. Moran
15 from Earthjustice. Should we prohibit the
16 purchase of solar panels and ductless
17 mini-splits and windmills and all of these
18 other types of green technologies from China?

19 MS. MORAN: I'm sorry, could you
20 clarify why you're asking this particular
21 question? Or at least directing it towards
22 me?

23 ASSEMBLYMAN WALCZYK: I mean, it would
24 be with the understanding that China doesn't

1 follow any of the goals or standards that we
2 in the United States or certainly in New York
3 State have, so it's counterintuitive -- at
4 least in my humble opinion -- to purchase
5 these things from a player that isn't on the
6 same page.

7 I didn't know if Earthjustice had a
8 position on purchasing these products from
9 China.

10 MS. MORAN: Of course we think having
11 jobs here in New York that are union, are
12 very --

13 ASSEMBLYMAN WALCZYK: No, not about
14 jobs, about supporting a player that isn't on
15 the same page as us.

16 MS. MORAN: We don't have a position
17 on that.

18 ASSEMBLYMAN WALCZYK: Okay, thanks.

19 The next one is for Mr. John Bartow,
20 from the Forest Products Association, the
21 only guy who today is sequestering carbon by
22 way of his industry, which I think is great.

23 Mr. Bartow, how much carbon do you
24 think we can lock in by good forest

1 management and utilizing what your members do
2 in forest products?

3 MR. BARTOW: So the present
4 sequestration of carbon in forests and
5 harvested wood products is just under
6 30 million metric tons. The goal is to get
7 to 35 million metric tons. But that's in a
8 bigger picture of trying to get upwards to 60
9 million metric tons of carbon sequestered or
10 removed from the atmosphere through carbon
11 capture and storage.

12 Those would be the goals of the CLCPA,
13 and we think our forests are going to have
14 the single largest contribution in that as
15 they already sequester 82 percent of the
16 carbon that's sequestered on our natural
17 working land. So we think that's going to be
18 key.

19 The other big key thing is to
20 recognize that 75 percent of that forest is
21 owned by private forest landowners across the
22 State of New York.

23 ASSEMBLYMAN WALCZYK: Thanks very
24 much, I appreciate it.

1 I'll yield back the rest of my time,
2 Madam Chair.

3 CHAIRWOMAN WEINSTEIN: Thank you.

4 We go to Mr. Palmesano.

5 ASSEMBLYMAN PALMESANO: Yes, my
6 question is for Mr. Bartow also.

7 I know there was a study in 2018 by
8 Harvard which talked about the land use
9 implications of renewable development,
10 talking about the amount of watts per square
11 meter of space. And I think for wind energy
12 it's 1 watt per square meter of space, for
13 photovoltaic solar it was 10 watts per square
14 meter -- as compared to Indian Point, which
15 was about 2,000 watts per square meter, which
16 basically shows that -- how large-scale
17 development of wind and solar is extremely
18 land-intensive.

19 And given that it is so land-intensive
20 with wind and solar, you know, we heard a lot
21 of people talking about concerns about wind
22 and solar farms getting put over agricultural
23 land. But what about, to meet our aggressive
24 climate goals, the necessity of probably

1 clear-cutting wide swaths of forested land in
2 order to meet these aggressive targets? And
3 since our forestlands certainly serve an
4 important environmental purpose for things
5 like water filtration and even CO2
6 absorption?

7 So -- and I know my colleague the
8 EnCon chair at one of our hearings we had a
9 couple of months ago said, you know, what
10 good is it if we're clear-cutting forestland
11 to put up solar farms? Are we really -- what
12 are we really accomplishing with that?

13 What are you seeing and what are you
14 hearing along that line with this issue?

15 MR. BARTOW: So the documentation is
16 not really firm on the amount of forest
17 that's actually being clear-cutted for
18 renewable energy projects. But it's being
19 speculated that it is the emerging -- one of
20 the largest factors, the conversion of forest
21 to nonforestry activities.

22 You're going to see -- or you do see,
23 in the Draft Scoping Plan, also a policy of
24 no net loss of forest, because we're going to

1 need all the sequestration we can get out of
2 it.

3 So you've got these competing
4 objectives that are going to be out there,
5 and we're going to have to wrestle with this.
6 So how do we do it? I don't think you're
7 going to be able to completely ignore the
8 fact that forest is going to be impacted. If
9 you're going to be doing transmission lines,
10 you're going to be doing distribution
11 systems, you're going to be doing the siting
12 of certain energy projects, there's obviously
13 going to be impact on all types of
14 landscapes, and forests being one of them.

15 It's just how do you minimize that,
16 and then how do you potentially get a
17 mitigation benefit out of it? If you are
18 converting to a solar farm, where will they
19 do forestation or reforestation to make up
20 for the loss of that forest? Now, there's a
21 time sensitivity nature of that; it's going
22 to take a while for that new forest to grow.

23 But there are ways I think we could
24 work on achieving both objectives, but also,

1 you know, really trying to look at the siting
2 that we're doing and taking it into
3 consideration. You heard a lot on ag earlier
4 today. I think the elevation of the
5 discussion of forests has to be up there as
6 well.

7 ASSEMBLYMAN PALMESANO: I appreciate
8 your time on that. I just think, you know,
9 obviously with the important environmental
10 benefits that our forests serve with CO2
11 absorption, water filtration and as my friend
12 and colleague Mr. Englebright said, that I'm
13 concerned about seeing, you know, swaths
14 of -- possible swaths of forestland being
15 taken down just to develop solar farms.
16 Which -- what are we really gaining in the
17 long run?

18 CHAIRWOMAN WEINSTEIN: Thank you.

19 We will go to Assemblywoman Kelles.

20 ASSEMBLYWOMAN KELLES: Wonderful,
21 thank you. I have a question for Liz Moran.

22 You brought up something that hasn't
23 been talked a lot about yet today, but I've
24 gotten about 200 emails about it today, so

1 I'd love to hear a bit more about the
2 \$15 billion you were talking about. And the
3 reason I ask, I know this was referring to a
4 report that actually came from the state
5 itself that was saying we need a minimum of
6 \$10 billion to address climate change.

7 So if you could talk a little bit
8 about what it is that we have in the budget,
9 what is the context of this, how much it
10 would cost us to not do this. I think
11 context is really important, because
12 15 billion sounds like a big number.

13 MS. MORAN: Yeah, you're absolutely
14 right, Assemblymember. It does sound like a
15 lot. But 10 billion is actually quite
16 miniscule in regards to the costs we've
17 already faced to public health and what is
18 estimated if we move forward.

19 So this same report estimated it would
20 cost the state \$80 billion if we don't invest
21 in the climate investments we need.

22 ASSEMBLYWOMAN KELLES: And that's per
23 year, right?

24 MS. MORAN: That's correct.

1 And there have already been
2 significant health costs to inaction, and
3 that's not accounted for in these figures.
4 So we feel that \$15 billion is a minimum of
5 what's needed, and it would create tremendous
6 jobs and, most importantly, benefit the
7 communities that need these investments the
8 most.

9 Just this past summer, there were
10 people who passed away from the flooding in
11 New York City, and these are almost always
12 communities of color and low-income
13 communities. And funding is very important
14 to direct to those communities, which is why
15 we need to see significant increased
16 investments. The Environmental Bond Act is
17 really important, but we need to do so much
18 more than that.

19 ASSEMBLYWOMAN KELLES: I've got
20 another question. You mentioned the
21 cryptocurrency, which I appreciate; you know
22 I'm obsessed about this issue. I've been
23 studying it for many years.

24 But I'm curious what your research has

1 I know you have done some work with me on the
2 Fashion Act. I'd love to hear where you
3 think that fits into our sustainability plan.

4 MS. KURERA: Yeah, thanks,
5 Assemblymember --

6 CHAIRWOMAN WEINSTEIN: Two seconds.

7 MS. KURERA: Can I have a brief
8 response or are we done?

9 CHAIRWOMAN WEINSTEIN: Very brief,
10 please.

11 MS. KURERA: Yeah. I mean, I think
12 just what I would say to that,
13 Assemblymember, is that there is also
14 another -- when we're transitioning our
15 entire economy, there's also a whole other
16 sector of the fashion industry that really is
17 completely unregulated and not accountable to
18 the carbon footprint that they have on the
19 state. And New York City in particular,
20 being the fashion capital of the world, you
21 know, there should be some responsibility
22 shared in that. And I think the legislation
23 you sponsor with Senator Biaggi, you know,
24 does go to that matter.

1 CHAIRWOMAN WEINSTEIN: Thank you.

2 We'll go to Assemblyman Otis now.

3 ASSEMBLYMAN OTIS: Liz Moran, a quick
4 question for you.

5 On the cryptocurrency proof-of-work
6 authentication issue, how challenging is this
7 going to be for our meeting our climate
8 change goals if this kind of activity is not
9 curtailed?

10 MS. MORAN: We're significantly
11 concerned about the state's ability to meet
12 its climate goals should this industry
13 rapidly expand.

14 So it's been estimated that
15 proof-of-work cryptocurrency mining globally
16 consumes as much energy as entire countries
17 such as Ireland. So we're very worried about
18 what that will mean for New York State,
19 especially since we have a number of goals,
20 like meeting 70 percent of our grid by 2030
21 needs to be renewable. And that's going to
22 be harder for increasing our demand on the
23 grid.

24 We also have some specific goals to

1 reduce overall energy consumption. It's sort
2 of a smaller goal that's often forgotten, but
3 we have a goal to reduce our energy
4 consumption by 185 trillion British thermal
5 units. And as far as I know, we've been on
6 track to meet it. But we have to reduce the
7 amount of energy consumption we have if we're
8 going to meet our climate goals as a whole.

9 ASSEMBLYMAN OTIS: Thank you.

10 CHAIRWOMAN WEINSTEIN: Thank you.

11 Assemblyman Englebright.

12 ASSEMBLYMAN ENGLEBRIGHT: Thank you,
13 Madam Chair.

14 I just want to say thank you to
15 everybody who has stayed so long to share
16 your thoughts. And I just want to say thank
17 you for what you do every day for the
18 environment. It's really heartening.

19 I have one question for Jessica Ottney
20 Mahar. Jessica, you've taken a lead role in
21 bringing to the budget the issue of an
22 environmental bond act. And I guess I'm just
23 looking for some reassurance that you might
24 be able to offer, and here's the question.

1 Do you have a plan that everybody here
2 and more can join in to educate the public to
3 bring safely into port the ship that you have
4 helped launch?

5 MS. OTTNEY MAHAR: Thank you for that
6 question, which I love. And the answer is
7 yes, we do. We have a really exciting
8 campaign that we've put together, and a
9 growing coalition. And again, I think one of
10 the great pieces of this is that it's
11 something that a lot of people can support
12 for different reasons, and a lot of voters do
13 support of all stripes.

14 And so obviously we're thrilled to be
15 working with all the advocates who have been
16 here today. And to those who aren't yet,
17 I'll be knocking soon on your door. But to
18 all of you who are going to be running for
19 office again, along with the bond act, we
20 would be thrilled to work with all of you to
21 help educate your voters about what this
22 measure can be doing for communities in your
23 districts.

24 So thank you for that, Assemblyman.

1 ASSEMBLYMAN ENGLEBRIGHT: Thank you.

2 Madam Chair.

3 CHAIRWOMAN WEINSTEIN: We have one
4 more Assemblymember, Assemblyman Chris
5 Burdick.

6 ASSEMBLYMAN BURDICK: Thank you,
7 Chair Weinstein.

8 And this also is a question for
9 The Nature Conservancy. And I join
10 Chair Englebright in the praise of all of the
11 advocates for the work that you do.

12 I wanted to ask a bit about the
13 wetlands proposal in the Executive Budget,
14 the Article VII, and the statement that the
15 legislation establishes meaningful protection
16 for wetlands, which are currently
17 underregulated due to gaps in state law.

18 You know, I couldn't agree more. You
19 know, as a supervisor formerly, I ran up
20 against the fact that DEC regulations in
21 state law preempts the locality from being
22 able to prohibit the application of
23 herbicides and pesticides in wetlands. And I
24 raised this this morning in conversations

1 with a number of the agency representatives,
2 in the hope that perhaps we could get some
3 movement on that and perhaps amend the
4 Executive proposal. And wanted to know your
5 thoughts about that and whether The Nature
6 Conservancy -- or, for that matter, any of
7 the other advocates here -- might support
8 that.

9 MS. OTTNEY MAHAR: Supporting
10 prohibiting the use of pesticides in
11 wetlands?

12 ASSEMBLYMAN OTIS: Allowing
13 localities, municipalities that have wetlands
14 in their borders to be able to prohibit the
15 application of herbicides and pesticides in
16 wetlands within their borders. Right now
17 they can't do that, they're preempted by
18 state law.

19 MS. OTTNEY MAHAR: Yeah. And so, you
20 know, I will just say that The Nature
21 Conservancy would want to have a more
22 detailed conversation with a locality that's
23 considering doing something like that, and
24 with the state about these issues.

1 We've seen in -- you know, efforts to
2 reduce the use of pesticides, which is
3 important and something that needs to happen.
4 Also, there can be unintended consequences
5 for things like habitat management. There
6 are times where conservation organizations,
7 including The Nature Conservancy, do utilize
8 chemical controls if it is the only option.

9 For example, there was an outbreak of
10 hemlock woolly adelgid recently on
11 Dome Island in Lake George, and we needed to
12 use a chemical to control that.

13 And, you know, it's a matter of making
14 sure you're using certified pesticide
15 applicators that are trained in applying the
16 pesticide in a way that's appropriate for an
17 environment that involves water. But there
18 are some cases where habitat damage can be
19 extreme from an invasive species and a
20 chemical control is your only option.

21 So I think that it's not kind of a
22 cut-and-dried issue and there would need to
23 be discussion about --

24 ASSEMBLYMAN BURDICK: I'm almost out

1 of time. Let's have an offline conversation
2 about that, if we could.

3 MS. OTTNEY MAHAR: Sure, absolutely.

4 ASSEMBLYMAN BURDICK: Thank you.

5 Thanks.

6 MS. OTTNEY MAHAR: You bet.

7 CHAIRWOMAN WEINSTEIN: Thank you.

8 Senator Krueger, we are -- no further
9 Assemblymembers. I'm sorry, Liz, you're
10 muted.

11 CHAIRWOMAN KRUEGER: Thank you, I was
12 muted.

13 I'm going to thank this panel for
14 their hard work and attention with us
15 tonight.

16 I'm going to call the remaining panel,
17 let each person testify, and we'll see if
18 there's anyone standing by the end. It's
19 quite possible that I won't be.

20 (Laughter.)

21 CHAIRWOMAN KRUEGER: The Natural
22 Resources Defense Council demurred for this
23 hour.

24 Citizens Campaign for the Environment,

1 Adrienne Esposito; Land Trust Alliance,
2 Meme Hanley; Clean Air Coalition of
3 Western New York, Emily Terrana; Empire
4 Center for Public Policy, James Hanley;
5 Green Education and Legal Fund, Mark Dunlea;
6 and New York League of Conservation Voters,
7 Patrick McClellan.

8 Let's start with Citizens Campaign, if
9 Adrienne's joined us. Oh, she has. Hi,
10 Adrienne.

11 MS. ESPOSITO: Hi, Senator. I'm
12 delighted to be testifying before midnight.
13 And I did see you yawn just once.

14 So good evening, Senate and Assembly
15 members. My name is Adrienne Esposito,
16 executive director of Citizens Campaign for
17 the Environment.

18 In the interests of brevity and
19 perhaps your sanity, I'm going to make four
20 points, and I'm going to be brief and swift.

21 The first is thank you so much for a
22 \$400 million EPF that's in the Governor's
23 budget. We of course urge you to keep that.
24 We do want you, however, to tweak it a little

1 bit, because that's what advocates do.

2 The first thing is the Oceans and
3 Great Lakes line item. We are asking for an
4 increase to 25 million. Great Lakes, as you
5 know, that funding could go towards cleaning
6 up the hotspots that have been identified and
7 are a critical part of the restorations of
8 the Great Lakes ecosystem.

9 Also that funding would go towards
10 implementing the ocean action plan, a plan
11 that it took years to craft with marine
12 experts and DEC. And also in that particular
13 line item there could be money for
14 Long Island Sound.

15 The second line item is the South
16 Shore Estuary Reserve, something no one has
17 mentioned today. But that is a
18 state-designated estuary that goes all the
19 way from Nassau County to the west to the
20 Shinnecock Inlet to the east. It's riddled
21 with harmful algal blooms, brown tide, red
22 tide, mohogany tide, and restoration
23 challenges, including inundation from
24 sea-level rise for wetlands and marshlands.

1 Much restoration is needed. A
2 comprehensive management plan was just
3 updated by the end of last year. The line
4 item has remained flat at \$900,000 for
5 15 years. We're asking for a cost-of-living
6 raise for the South Shore Estuary Reserve.
7 We had asked for 5 million to the Governor;
8 that apparently didn't go well. And now we
9 need your help to increase the number so that
10 we can begin to implement the management plan
11 that was just revised and updated to meet
12 current challenges.

13 And the last thing to do with the EPF
14 is of course to help out with the restoration
15 of Peconic Estuary.

16 The second thing is to reiterate the
17 call for \$1 billion for wastewater. We have
18 lots of wastewater needs, but also this is
19 for filtration for our drinking water, which
20 needs to remain not only clean but also safe
21 and healthy and affordable.

22 The last thing I have to get in here
23 in my 18 seconds is the extended producer
24 responsibility. I heard questions earlier

1 asking about how much will this cost
2 industry. I'd like to ask you to ask the
3 question how much will this save ratepayers,
4 how much will this save taxpayers?

5 This is about saving money, saving
6 landfill space, saving the environment.
7 Those things go hand-in-hand with a good
8 extended producer responsibility bill, and
9 this is something that needs to get done in
10 the budget.

11 Somebody else asked about how will it
12 impact the wineries. This is not a program
13 that will be implemented next year. It will
14 take four or five years. There will be an
15 advisory board, there will be a needs
16 assessment, there will be a plan established.
17 It is not meant to be shock and awe, it is
18 meant to be a program that is delineated,
19 defined, inclusive and effective. We don't
20 have a plan that's working now. We need one
21 to manage our waste.

22 Thank you.

23 CHAIRWOMAN KRUEGER: Thank you.

24 MS. ESPOSITO: I know I went a little

1 over.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much. No, fabulous, thank you.

4 Next up -- who did I say next? Meme
5 Hanley?

6 MS. HANLEY: That's me. Thank you.

7 Good evening, everyone. On behalf of
8 the state's land trust community, thank you
9 for the opportunity to testify today.

10 We are proud of the Governor's and the
11 Legislature's commitment to protecting open
12 space for the many benefits it provides to
13 the public, and today ask for your continued
14 investment and partnership.

15 We applaud the Governor's plan to
16 invest \$4 billion in the bond act, to
17 increase state agency staffing, and the
18 proposed \$400 million Environmental
19 Protection Fund.

20 Tonight specifically I'm asking for
21 your support of an EPF that includes at least
22 \$40 million for the Open Space account,
23 \$3 million for the highly successful
24 Conservation Partnership Program, and at

1 least 1.5 million for the new Land Trust
2 Conservation Easement Program.

3 Land trusts work in every region of
4 our state, from Fishers Island in the east to
5 Chautauqua county in the west, from New York
6 City up to the Adirondacks. They're helping
7 meet the demand for open space and providing
8 nature's benefits. What that looks like on
9 the ground are community gardens, rail
10 trails, protected farms, forests and the
11 nature preserves we all depend on.

12 But more than ever, land conservation
13 is playing an important role in mitigating
14 the worst effects of climate change --
15 helping to reduce flood risks, cool urban
16 heat islands, sequester carbon, and play an
17 essential role in cleaning our air and water.

18 A cornerstone of the EPF are
19 appropriations for the Open Space account.
20 It's imperative to rightsize this funding to
21 reflect the growing needs and the
22 priorities of our state. We see the
23 Executive Budget's increased allocation to
24 \$40 million as a step in the right direction,

1 and we hope you will work to increase this
2 funding in time to its historic levels.

3 I'd like to draw your attention to two
4 programs within the Open Space account now.
5 First, the Conservation Partnership Program.
6 It has a nearly 20-year track record of
7 issuing competitive grants to land trusts.
8 It's a model of efficiency. Funds are
9 typically awarded within eight months of a
10 grant award being opened, and the
11 appropriation is spent down every year.

12 The program is now oversubscribed and
13 turning away strong proposals that would
14 improve quality of life in our communities.
15 So we urge you to increase funding for this
16 program to \$3 million in the upcoming budget.

17 Land trusts can also play a very
18 important role in accelerating the pace of
19 land conservation in our forests. And it's
20 critical that we do this now in the face of
21 climate change because forests store carbon,
22 they filter water, they provide jobs and they
23 provide important habitat for wildlife and
24 recreation for people.

1 These lands are at risk for conversion
2 at a time when New Yorkers need them most --
3 as a frontline of defense in a changing
4 climate. So we ask that you continue to
5 support this program for the protection of
6 our forests and continue to fund it at least
7 1.5 million.

8 Thank you.

9 CHAIRWOMAN KRUEGER: Thank you.

10 Next, Emily Terrana, Clean Air
11 Coalition of Western New York.

12 MS. TERRANA: Thank you so much for
13 the opportunity to testify tonight. My time
14 is Emily Terrana, and I'm the director of
15 organizing at Clean Air. We're an
16 environmental justice organization working
17 with poor and working-class communities in
18 and around Buffalo, New York, for
19 environmental justice, public health and a
20 just transition.

21 Tonight I would like to speak
22 specifically about the proposal in the
23 Governor's Executive Budget to extend and
24 expand the Brownfield Cleanup Program. I had

1 a whole lot of things I was going to say
2 earlier, but after listening to this budget
3 hearing since 9:30 a.m., I have a new frame.

4 In his remarks earlier today,
5 Commissioner Seggos shared about the great
6 successes of the New York State Brownfield
7 Program. Our members have a very important
8 question for him and for all of you in the
9 Senate and Assembly: Successful for whom?
10 Right now the New York State Brownfield
11 Program is not very successful for poor and
12 working-class communities and communities of
13 color in New York State. It's not very
14 successful for those of us living and dying
15 next to abandoned factories, gas stations and
16 chemical spills. It isn't very successful
17 when community members need to fight tooth
18 and nail to have their voices heard outside
19 of the paltry comment periods that DEC
20 allows.

21 It's not very successful when our
22 members still can't drink their own water or
23 plant gardens in their backyards because of a
24 brownfield site up the block that is still in

1 the investigation phase seven years later,
2 while the owner of that site can continue to
3 submit new sites and to collect tax credits.

4 It's not successful when our brothers
5 and sisters and siblings in labor are not
6 paid a fair and competitive wage for the hard
7 work that they do.

8 It is, however, successful for large
9 developers and for polluters who get to walk
10 away from their responsibilities to clean up
11 their own mess.

12 We understand that the New York State
13 Brownfield Program is here to stay.
14 Investments that assure a fair and equitable
15 transition need to be baked into our state
16 budget -- and if done right, the Brownfield
17 Cleanup Program is an incredible opportunity
18 to do this.

19 I want to be clear that I am not
20 saying to get rid of the Brownfield Program.
21 But a number of vital changes must be made to
22 it, especially since we face ongoing climate
23 impacts. This includes a requirement for
24 developers to include a plan for community

1 advisory groups so people can have a real
2 seat at the table. We've done this in
3 Buffalo, and we fought very, very hard for
4 it, and it's been incredibly successful.

5 We would also want a clause that any
6 site would be ineligible for the program if
7 there's a liable, responsible party to pay
8 for the cost of cleanup, and to extend the
9 definition of public work to the Brownfield
10 Program, since it is indeed funded with
11 taxpayer money.

12 Commissioner Seggos asked us all to
13 remember that these big changes and money
14 spent is about saving lives. At Clean Air we
15 will continue to organize for health and
16 justice in our communities and for folks all
17 over New York State, and we hope that this
18 budget will reflect our values and hopefully
19 our shared commitment to keeping people
20 alive. Thank you.

21 CHAIRWOMAN KRUEGER: Thank you very
22 much.

23 James Hanley, Empire Center for Public
24 Policy.

1 MR. HANLEY: Thank you, and good
2 evening.

3 At the Empire Center we are very
4 concerned with government transparency, and
5 we find a very significant lack of
6 transparency concerning the Climate
7 Leadership and Community Protection Act and
8 certain policies the Governor has proposed to
9 implement it.

10 First, this is a \$340 billion policy,
11 by the estimate of the integration analysis.
12 New Yorkers have a right to know what they're
13 buying for that amount of money and how
14 they're expected to pay for it. One thing is
15 clear: We are not buying a reduction in
16 global greenhouse gases, given New York's
17 small contribution to global emissions.

18 It also does not buy any equivalent
19 benefit for New York. Half of the claimed
20 benefits, about \$260 billion, are explicitly
21 global benefits that accrue to the whole
22 world, including China and India, who are
23 continuing to expand their use of coal,
24 leaving only about \$170 billion of benefit

1 for New York, at a cost of up to
2 340 billion -- a \$170 billion loss.

3 More importantly, this does not
4 clearly buy energy reliability. As both the
5 Independent System Operator and the Climate
6 Action Council have indicated, New York will
7 need 15 to 25 gigawatts of dispatchable
8 emissions-free electricity by 2040, which
9 NYISO has said are not in the pipeline at
10 this time.

11 The Governor is investing in hydrogen
12 with this budget, and that is good seed money
13 to try to attract more federal funds for
14 hydrogen research, so I applaud that. But
15 the state should not commit itself to any one
16 unproven technology at this time. There are
17 multiple potential technologies, none of
18 which have proven themselves either
19 technologically or economically viable at a
20 utility scale, so we should sponsor a
21 competition among them to see which one or
22 multiple ones will prove themselves
23 economically and technologically viable.

24 I will stop there, in the interests of

1 time, as it is late. Thank you very much.

2 CHAIRWOMAN KRUEGER: Thank you very
3 much.

4 Mark Dunlea, Green Education and Legal
5 Fund.

6 Can't hear you, Mark. There you go.

7 MR. DUNLEA: Thank you for staying up
8 beyond my bedtime. In the 40 years I've been
9 testifying at these hearings, first time I
10 think I've gone past 11:00, though I am used
11 to being one of the last to speak.

12 The IPCC has declared a Code Red for
13 the planet; our opportunity to prevent
14 climate change is rapidly running out.
15 What's been done since Paris has been
16 inadequate. Mr. Hanley pointed out that the
17 CAC is talking about we need \$300 billion.
18 That leads to the call from many of us to
19 raise \$15 billion a year in climate funds.
20 That could be done through the CCIA, or it
21 could be done through tax the rich. Or if
22 you can't do that, let's expand the
23 Environmental Bond Act to \$100 billion, not
24 \$4 billion.

1 In 1992, Governor Pataki set out some
2 relatively ambitious goals to expand
3 renewable energy. Over the last 20 years,
4 that's amounted to an increase of 6 percent
5 in wind and solar. Kind of disagree with
6 NYSERDA that it shows we're on our way to
7 accomplishing the goals of the CLCPA. That's
8 one of the reasons why many of us support the
9 New York Build Public Power Act, to allow
10 public power to do that.

11 The groups I work with have also been
12 calling for a number of years to use the
13 State Capitol as a model and move to a
14 hundred percent renewable energy to power
15 both the State Capitol and the Empire State
16 Plaza. We expect legislation to be
17 introduced this year to accomplish that.

18 We're supportive of the Renewable Heat
19 Now campaign to -- you know, buildings and
20 transportation are the two biggest parts of
21 the emissions problem, much more so than
22 electricity. We need to end new gas hookups
23 faster than what Governor Hochul has
24 proposed.

1 I began working on the Bottle Bill in
2 1975. I helped pass the Bottle Bill in
3 Massachusetts and Connecticut before
4 returning 40 years ago to help pass it here
5 in New York. It's time to upgrade it and
6 expand it.

7 I certainly agree with some of the
8 points that Judith Enck made about the EPR.

9 Cryptocurrency. Thanks to
10 Assemblywoman Kelles for her legislation,
11 Assemblymember Otis. China has outlawed
12 these type of proof-of-work cryptocurrencies.
13 If China gets the idea this is really bad for
14 the climate, I think New York can pick it up.

15 And I'll end with one of my favorite
16 state legislators, Senator Krueger, and her
17 legislation that I can't believe hasn't been
18 passed yet, and that is to end the fossil
19 fuel subsidies -- small number, \$350 million.

20 And I'll just say we need to look I
21 think more at why is the state really not
22 going to meet the goals set out in the CLCPA
23 to provide 35 percent of climate funds to the
24 environmental justice disadvantaged

1 communities.

2 Thank you very much.

3 CHAIRWOMAN KRUEGER: Thank you, Mark.

4 And our last testifier, from New York
5 League of Conservation Voters, Patrick
6 McCeller -- McClellan, excuse -- McClellan,
7 excuse me. I am tired.

8 MR. McCLELLAN: Thank you. Thank you
9 for your patience, and thank you for the
10 opportunity to testify.

11 I'll echo a lot of my colleagues'
12 comments that we support a \$400 million EPF.
13 We're thrilled about that as a step towards
14 our long-term goal of a \$500 million EPF. I
15 have more detailed comments on the EPF in my
16 written testimony.

17 We're also pleased to see another
18 \$500 million for clean water infrastructure
19 in the budget. That's going to be important
20 for leveraging all of the new clean water
21 funding that the federal government just
22 allocated in the bipartisan infrastructure
23 deal.

24 And of course we're also thrilled

1 about new staff at DEC, Parks, DPS and other
2 agencies. And I'll just note that those
3 agencies will continue to need new staff over
4 the coming years as they ramp up
5 implementation of the CLCPA.

6 We support the name change on the bond
7 act to Clean Water, Clean Air and Green Jobs,
8 because we think it's clearer to voters what
9 this actually is. And of course we are also
10 thrilled about the increase to \$4 billion in
11 total.

12 On transportation, we support the
13 Executive Budget's mandate that all new
14 school buses statewide be zero-emission
15 beginning in 2027 and that all school buses
16 in operation be zero-emission by 2035.

17 There are a couple of changes in
18 Senator Kennedy and Assemblymember Fahy's
19 bill on electric school buses that we think
20 ought to be incorporated here. More detail
21 is in my written testimony.

22 And almost more importantly, the state
23 needs to identify sources of funding to aid
24 the transition in disadvantaged communities,

1 particularly school districts that primarily
2 serve disadvantaged communities, because
3 otherwise those are going to be the last
4 school districts that are putting electric
5 school buses on the road -- when they should
6 be the first.

7 Further on transportation, we would
8 like to see the inclusion of legislation
9 allowing direct sales of electric vehicles as
10 well as legislation to establish a clean fuel
11 standard. A lot of you have heard me talk
12 about a clean fuel standard a whole bunch
13 over the last few years, and it's also
14 included in the Climate Action Council's
15 Draft Scoping Plan.

16 We support the extension of the
17 Brownfield Cleanup Program and are
18 particularly enthusiastic about the proposed
19 changes to the Brownfield Opportunity Areas
20 program. One issue I will note is that
21 there's a \$50,000 fee for executed brownfield
22 cleanup agreements that a number of
23 affordable housing developers I've spoken
24 with are concerned about. I understand DEC

1 has concerns about program costs, covering
2 their staff time for the Brownfields
3 Program -- which is of course a reasonable
4 concern. I think there are probably better
5 ways to address that than a fee that could
6 potentially deter projects.

7 We are extremely supportive of the
8 wetlands legislation that's included in the
9 budget.

10 The extended producer responsibility
11 legislation is a very bright start. We're
12 looking forward to working with other
13 advocates and the Legislature to further
14 improve it.

15 We support the building and appliance
16 energy efficiency standards, including the
17 ban on new gas hookups by 2027, although that
18 date can be brought forward for smaller
19 buildings. Particularly, single-family homes
20 you can do earlier than that.

21 And on revenue, we oppose the proposed
22 new tax exemption for -- the petroleum
23 business tax credit for tugboats. That's a
24 step in the wrong direction, and what should

1 be done instead in the budget is to include
2 Senator Krueger's bill on fossil fuel tax
3 exemptions.

4 Thank you very much.

5 CHAIRWOMAN KRUEGER: Thank you very
6 much.

7 So I'm going to use my authority,
8 whatever that is, as chair of this hearing to
9 tell everyone we're not taking any more
10 questions. We all have to go home and go to
11 sleep.

12 We have a fabulous panel here of
13 people who are exceptionally easy to reach
14 out to, to follow up with questions
15 afterwards. So I want to thank them very
16 much. We never imagined, when we started at
17 9:30 this morning, that we would still be
18 here at 11:30 at night. And it's really
19 because there's so many legislators who were
20 so interested in staying at these hearings
21 and asking the hard questions.

22 So I want to thank our panelists. I
23 want to thank my fellow legislators. I want
24 to thank my co-chair, Helene Weinstein. And

1 it was my idea to tell you all not to ask any
2 more questions, not hers.

3 (Laughter.)

4 CHAIRWOMAN KRUEGER: And I want to
5 announce that this hearing is over, but you
6 can either stay all night and be here for
7 9:30 tomorrow morning when we start again, or
8 you might want to go home, shower, try to get
9 in bed for a little while, and then come back
10 for the Human Services hearing tomorrow -- I
11 guess a different Zoom, but same place,
12 9:30 a.m.

13 Thank you very much, everyone, for
14 your participation.

15 MS. ESPOSITO: Thank you very much,
16 everyone.

17 MULTIPLE SPEAKERS: Thank you, Chairs.

18 CHAIRWOMAN WEINSTEIN: Thank you,
19 Senator.

20 (Whereupon, the budget hearing
21 concluded at 11:29 p.m.)
22
23
24