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2024 Joint Legislative On Environmental Conservation Hearing Testimony

**Submitted on behalf of the
Police Benevolent Association
of New York State**

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Good evening Madame Chairwomen and respected members of the panel.

My name is Matt Krug, and I am the Director of the Environmental Conservation Officers and serve on the Board of Directors of the PBANYS, a law enforcement union representing the State Park Police, State University Police and the Environmental Conservation Officers and Forest Rangers of the Department of Environmental Conservation. My testimony this evening will focus on the current needs of the 273 New York State Environmental Conservation Officers (“ECO” or “EnCon Officer”).

From 1880 until 1970 we were called Game Protectors which were primarily engaged with fish and wildlife. In 1970 we formally adopted the title of Environmental Conservation Officer and since then our job duties have significantly expanded. In 2023 the 206 field officers and investigators completed nearly 31,000 calls for service. The majority of those calls dealt with environmental quality complaints, which vary from destruction of wetlands, illicit application of pesticides, aquatic invasive species, air pollution, petroleum spills, illegal disposal of garbage and construction materials and even the returnable container law.

The other 40% of calls for service are related to fish and wildlife. These calls vary from hunting and fishing to nuisance bears complaints. Conservation officers routinely handle dangerous and venomous wildlife to not only protect people but also the animals themselves. The dangerous and venomous wildlife calls vary from alligators to rattlesnakes and wolves. Our investigators work with US Fish and Wildlife to combat the endangered species trade as well. Our most serious work deals with death investigations on state lands, tree stand falls and hunting related shootings.

Besides the enforcement of the conservation law and all other laws in New York, we are first and foremost first responders that have answered the call for every man-made or natural disaster this state has faced. We routinely respond to floods, hurricanes, snowstorms, as well as protests, man hunts, 9/11 and COVID. Our work is diverse, and our 29 weeks of academy training is just the beginning and continues throughout our careers.

After protecting the public, our job is to hold polluters and poachers accountable. During 2023, our Bureau of Environmental Crimes which consists of 35 officers, investigated cases which brought in 46 million dollars in civil penalties from the violators. This included a thirty-million-dollar settlement from the dumping of PFOAs into the Hoosick River. Our field officers gathered millions more in fines, jail time and remediation. Our Environmental police generate revenue for the state of NY by holding those individuals and corporations that destroy our environment to the fire, but year after year we have to come before this committee begging for the resources necessary to

continue on with the mission. We need equipment and additional staffing to continue this fight.

The first thing I am requesting is a one-time additional five million dollars for the replacement of motorized equipment and safety equipment. During the last six years of the Cuomo administration, we were not allowed to purchase boats even if we had the funds from federal grants. Our aging fleet requires constant maintenance. We need to replace our Long Island offshore boat to protect the fish and marine life off of NY Harbor and Long Island. Our current boat has been inoperable for the last ten years. We need smaller inflatable boats to respond to flooding incidents which have become all too common. During the Cuomo administration we went six years without being allowed to purchase boats.

We also need to replace our ATVs, snowmobiles and other off-road equipment that is used for natural disasters like the 2022 Buffalo Snowstorm. On top of that we need drysuits for flood incidents and rifle rated body armor to protect our officers who encounter more armed subjects than any other police agency in the state.

Staffing has been a critical issue since 2008. Our current staffing is at 273; consisting of 7% female officers, and less than 1% diversity. Hiring has not kept up with attrition leaving many environmental justice areas with reduced patrols. We are attempting to hire 45 more ECOs to fill vacancies but after canvassing all 2,000 people on the civil service list we are down to 60 eligible candidates. Our academy, like our job is not easy and many drop out in the first days or weeks.

Pension and pay disparity between other law enforcement agencies has also contributed to this problem. Governor Hochul continues to state that she is fully funding her "State Police" but has continued to neglect her other specialized state police agencies.

Our job is dangerous, from gun shots to assaults, rabid animals and toxic chemical exposures; our officers face a great variety of dangers. We just had our fifth officer pass away from 9/11 related illness and there are more currently under treatment from their time at ground zero. Lt McShane battled 9/11 related cancer for almost ten years and died when he was just 50 years old. The twenty-year retirement is not a perk paid for by the taxpayers, but earned to recover from the physical and mental wounds accumulated over a career.

Ninety-six percent of law enforcement agencies in New York State have a twenty-year retirement, however we currently have an additional five years of mental and physical stress before we are eligible to retire.

The legislature has continued to pass our twenty-year pension parity legislation; however the Governor has now vetoed that same legislation the last three years stating fiscal costs. While it is not the responsibility of the legislature to correct the shortcomings of the executive branch we appear to have a Governor that is willing to spend hundreds of millions on artificial swimming pools filled with chlorine and other chemicals instead of hiring conservation officers at a much lower cost to simply protect the Hudson River.

Beside the pension disparity we are also a small bargaining unit compared to CSEA and PEF, and when it comes to collective bargaining, we have been without a contract eighteen of the last twenty-one years. Those delays in contracts have left us unable to compete with the State troopers, NYPD, and all agencies law enforcement agencies downstate when compared to pension and pay benefits. From discussions I have had with members of the committee, I know you want the best trained and qualified candidates to protect the environment and you've proven your commitment by passing our pension legislation over the last four years. The pension and pay disparity can also be fully funded through the enhanced bottle bill legislation that this committee has proposed.

We need to add an addition 90 more conservation officers to keep up with the expanded duties placed by the legislature, but we will be unable to recruit them until pension parity is established. The upfront cost for these 90 additional items is an approximately \$13.5 million investment to hire, train and equip. Those officers will generate significantly more revenue over their careers. These officers would patrol for idling diesel's, harmful emissions, pesticides, and even radioactive medical waste and improve the quality of life for your constituents especially in environmental justice areas.

In addition to officer staffing, we need additional funding for enforcement in the form of special prosecutors. My fellow officers are able to scientifically build mountains of evidence against poachers and polluters, but District Attorney offices are either inundated with higher level crimes or they simply don't know how to prosecute the environmental cases. We see over and over again where these cases are dropped by district attorneys or under prosecuted. Strong prosecution of polluters will strongly deter others from profiting off pollution.

Lastly, the criminal justice reforms that were passed in 2020, have also reduced environmental enforcement by removing officers from the field to complete discovery and other additional paperwork. I am requesting \$2.5 million for computer software that we can more efficiently prepare the necessary paperwork and compile evidence. This is cost neutral, as this software will reduce overtime usage and allow more time for officers to pro-actively patrol. Thank you.