



January 28, 2025

Joint Legislative Public Hearing
2025-26 Executive Budget Proposal
Environmental Conservation
Legislative Office Building
181 State Street, Albany, NY 12247

Dear Honorable Senators and Assembly Members,

Thank you for your consideration of the Sierra Club Atlantic Chapter's budget testimony. We are a volunteer-led environmental organization of 40,000 members statewide, dedicated to protecting New York's air, water and remaining wild places.

In the context of climate change, the FY2026 NYS budget may be the one of the last opportunities for New York State to redirect the trajectory of this global catastrophe through the leadership of our policies and the influence we have on international markets, as the tenth largest economy in the world. But Governor Hochul's Executive budget proposal significantly undermines the effectiveness of the Climate Leadership and Community Protection Act (CLCPA) by delaying key aspects of its implementation. The legislature has the responsibility to get New York back on track.

Central to meeting the emission mandates of the CLCPA is the establishment of **New York's 'Cap and Invest' Program**, a market-based approach to reducing greenhouse gas (GHG) emissions and generating revenue to fund the clean energy transition, which includes affordability rebates to low to middle income New Yorkers. As proposed, the program would have established a sector-wide limit on pollution, created a credit-based financial incentive for businesses to reduce emissions, and reinvested the revenues back into disadvantaged communities, low to middle income households, small businesses, and decarbonization initiatives across New York. The regulations for the program were set to be finalized in the first half of 2025 and credit auctions were planned for the second half of fiscal year 2026, with a projected revenue of \$1.5 billion.

But instead of using the budget process to advance the final details for 'Cap and Invest,' Governor Hochul put the program on ice indefinitely. In its place, the governor proposed \$200 million of general obligation funding to be spent in the coming fiscal year on decarbonization projects - with a pledge to spend similar amounts over the next five years. While this one-time funding is welcome, it still lets polluters off the financial hook and requires the public to continue to bootstrap climate progress themselves, without mandated emission reductions.

This setback is part of a repeating pattern, where the Governor heralds some major facet of New York's climate law and then claws back its implementation at the last moment when big polluters protest. In 2023, Hochul proposed to water down the accounting measures for greenhouse gas emissions, which would have allowed for fossil fuel companies to pollute more and for a longer time under CLCPA targets. In 2024, she suspended the 'Congestion Pricing' program for NYC at the 11th hour at great cost to air quality and clean transportation funding. But this unlawful, last minute gutting of the 'Cap and Invest' program may be the worst setback of climate progress to date, as it significantly undermines the

affordability of the transition away from fossil fuels across multiple sectors, hurting working families most.

It is imperative that the legislature push Governor Hochul to reinstate a workable timeline for ‘Cap and Invest’ through the budget process, because we simply will not be able to make the clean energy transition without it. We suggest that the Senate and Assembly consider advancing S9228 (Parker) / A8469 (Kelles) (2024) in your respective one house budget proposals as important guardrails to enact the most effective ‘cap and invest’ program that prioritizes pollution reduction, equity, and affordability. The ‘Cap and Invest’ program has received extensive stakeholder engagement since 2023, which includes DEC and NYSEERDA conducting exhaustive modeling and outreach, garnering over 6,000 public comments and contributions from 128 organizations, with multiple hearings and public information sessions. This work is built on the comprehensive multi-year Climate Action Council process, and thousands of hours of executive staff work.

Governor Hochul now has called for at least a year more of footdragging to accommodate “transparency,” (as suggested in Part ZZ of the TED) in contradiction to the timelines set by the CLCPA. The groundwork for the program is already done and ready to be implemented. This delay undermines years of effort and collaboration which ultimately deepens the climate crisis and costs the state critical funding that could have been used to offset utility bills, decarbonize infrastructure, and support small businesses. The Governor’s one-time, taxpayer funded \$200 Million appropriation is not the same as an ongoing source of funds borne by the polluter. A report produced by the New York City Environmental Justice Alliance details that a properly administered ‘Cap and Invest’ program will raise revenue and reduce costs to the extent that the average New Yorker would save as much as \$400 dollars annually while the state undertakes the ambitious decarbonization of the electric grid, our building sector, and our transportation networks. The Legislature must work to restore the program on an implementation timeline that maximizes the climate and affordability benefit.

Advance the ‘NY HEAT Act’ in Assembly and Senate One-House Budget Bills

The Sierra Club was disappointed that the governor failed to introduce any version of the ‘NY HEAT Act’ in her executive budget as she did last year under ‘The Affordable Gas Transition Act.’ In 2023, state lawmakers ironed out a deal to end the use of fossil fuels in new construction by 2026 (the ‘All Electric Buildings Act’) with the renewed understanding that total household electrification is New York’s future, not only to meet our greenhouse gas emissions reduction goals, but to achieve a standard of living that is healthier, more cost effective and efficient. Renewable energy-driven technology will soon heat and cool all our homes, dry our clothes, cook our food, charge our vehicles and power our lives. But while our climate laws and the new ‘All Electric Buildings Act’ are binding, our public service laws have lagged behind - in many cases subsidizing and prioritizing the continued use of the same fossil fuels we must phase out entirely within the next 20 years. Currently, gas companies are spending billions of dollars to build out gas infrastructure in New York and utilities are working to get more new homes hooked up to fossil fuels before the new 2026 rules mandate all electric heat pumps and appliances. The Public Service Commission does not have the legal authority to fully stop this surge and utilities still maintain a legal “obligation to serve” any customer demanding gas service. The cost of new gas infrastructure and hookups is then passed on to ratepayers, and it is the households least able to afford the escalating costs and the last to convert to all electric that will be hurt the most. The NY HEAT Act will authorize the Public Service Commission (PSC) to align a planned phase out of natural gas and home heating oil with anticipated new codes and regulations to facilitate an equitable and affordable transition to all-electric, renewable energy powered buildings.

Specifically, the Act will:

- Ensure that the Public Service Law will provide for the timely and strategic retirement of the gas distribution system in a just and affordable manner as required to meet the climate justice and emission reduction mandates of the CLCPA.
- Ensure that the Public Service Commission has the statutory authority and direction to align utility regulations and planning with the CLCPA, and require the PSC to take a proactive role in the timely identification and amendment of any laws, regulations, or rulings that may impede achievement of CLCPA mandates.
- End ratepayer-subsidized utility incentives for fossil fuel expansion (the so-called "100 foot rule") while ensuring the equitable provision of electric service and efficient heating, cooling, cooking, and hot water services.
- Require the PSC, within one year, to develop a statewide gas service transition plan based on clear biannual gas sales reduction targets, robust analysis, and consideration of several electrification pathways.
- Ensure affordable access to electric heating and cooling services and protect low and moderate income customers from undue burdens as they electrify their buildings.

Governor Hochul has declared that her proposed \$200 million of general obligation funding in 2026 represents the state's largest investment in climate solutions to date, but it will not be enough to protect the hundreds of thousands of low income New Yorkers who will need to be shielded from high fossil fuel costs during the transition to renewable energy systems. Building an emissions free, renewable energy driven society is going to be a difficult enough task without allowing the fossil fuel industry to keep their thumbs on the scale. The "NY Home Energy Affordable Transition Act" will help create a level playing field where renewable heat, and other electrified technologies can thrive and low to middle income New Yorkers will be protected from surging energy costs. Restoring the 'Cap and Invest' program will further accelerate that buildout and ensure energy affordability. We urge Senate and Assembly leaders to negotiate in good faith with the Governor on a final article VII bill in the budget that satisfies the most urgent and effective parts of NY HEAT.

Decarbonize New York State Owned Buildings

In 2022, NY State lawmakers enacted the Utility Thermal Energy Networks and Jobs Act, which directed state agencies to adopt sustainability and decarbonization programs, and instructed the New York Power Authority (NYPA) to create decarbonization action plans for 15 of the highest emitting state facilities along with a number of pilot projects. Thermal Energy Networks (TENS) are large scale networks of geothermal energy, heat pumps and supply lines that can heat and cool entire city blocks, hospital complexes or college campuses. These emissions-free infrastructure projects connect multiple buildings using an underground network of water-filled pipes and can scale up to serve entire neighborhoods. To further the advancement of this technology in accordance with our climate goals we are asking that the FY 2026 Budget include **\$150 million** to support the construction of thermal energy projects on SUNY campuses:

- **Fund a thermal energy network at SUNY Purchase.** \$40 million would allow Purchase College, State University of New York to engineer and construct an emissions-free heating and cooling thermal network on their campus.
- **Fund a thermal energy network at University at Buffalo, SUNY.** \$110 million would allow the University at Buffalo, State University of New York to advance key work in Phase 1 of an emissions-free heating and cooling network on the South campus as outlined in their Clean Energy Master Plan, and to begin work on a thermal energy network for the North campus.

In addition, we urge you to enact the Renewable Capital Act (S2689A/A5633) (2024). The legislature should fund this legislation through the budget which will pay for engineering studies and a plan to entirely decarbonize the State Capitol building complex - which will serve as a statewide example of how we make our buildings emissions free and efficient.

These projects will add to the additional 34 pilot thermal energy networks our major utilities are already planning to build across the state. It is essential that State lawmakers keep this funding drumbeat going so that we can realize the goal of decarbonization throughout NY's building sector. To ensure that there is an ongoing commitment towards supporting large-scale building decarbonization projects into the future, the legislature should make a **\$2 billion** allocation over the next 5 years for thermal energy networks. This type of long-term commitment is essential to build long-term certainty for each project and create a union jobs pipeline for the clean energy workforce from now until 2040. Funding the work for these projects and utilizing project labor agreements sends a signal that the highly trained and competent workforces represented by unions across New York will be included as part of our state's climate agenda. It is critical that labor unions and the millions of workers they represent be part of New York's decarbonization projects and programs. By supporting these projects, we can create signature projects that align with New York's climate goals while paving the way for community-scale thermal energy networks in surrounding neighborhoods. Again, with a 'Cap and Investment' program New York State would have the funds to undertake such projects.

Expand Rebate Programs for Residential Solar, Battery Storage, Geothermal Heating and Cooling and Electric Vehicles State mandated tax credits and rebates for residential renewable energy installations are a valuable decarbonization strategy, as this modest public investment in climate solutions results in significant matching private investment. But existing rebates have not kept pace with inflation and certain tax credits have not been structured in a way that they are redeemable to low and moderate income families. The addition of a 'Cap and Invest' program would help make such rebates possible. The Sierra Club applauds the legislature for proposing upgrades to various rebate programs and urges you advance these initiatives in budget negotiation:

- **A.1373 Solar Residential Tax Credit**

This proposal will double the residential solar energy system tax credit to \$10,000 (or 25% of the total costs, whichever is lower) and will enable low to middle income households to take advantage of the tax credit through a direct refund. The increased tax credit will also encourage installation of energy storage systems which will contribute to both grid reliability and home resilience in power outages. Additionally, it will eliminate arbitrary system size limits on co-ops and condominiums, allowing collective residential units to install enough solar panels to meet the building's energy needs.

- **A.1591 Geothermal Tax Credit**

Geothermal energy systems to heat and cool homes provide an efficient means to both lower consumer energy consumption and reduce the strain on our electrical grid. As such, they make an important contribution to New York's building decarbonization efforts. The existing 25% residential tax credit for geothermal heat pump installations, instituted in 2022, is capped at \$5,000. Unfortunately, it appears that has not been sufficient enough to entice NY consumers to cover the rest of the overall cost of geothermal systems. Expanding the geothermal tax credit to a maximum of \$10,000 will enable more households to install these cost saving systems.

- **A.349/S.2032 Previously Owned Zero-Emission Vehicles Rebate Program**

Personal cars and light duty trucks amount to roughly 20% of the greenhouse gas emissions in NY. As of December 2023, New York State had more than 180,000 electric vehicles (EVs) on the road, but that number represents less than 2% of the state's total registered vehicles. To meet our climate goals, New York needs over 2 million EVs on the road by 2030 and 10 million by 2050. New York already has an EV rebate program for new vehicles, but there is no incentive to ensure

that used EVs stay in the market. This initiative would create a \$2,000 used electric vehicle rebate which would make zero emissions cars more accessible and affordable to all New Yorkers.

Scrap Plans for Advanced Nuclear Plants (Part VV) (TED) In direct contradiction to her focus on safety and affordability, Governor Hochul has directed her agencies to pursue “the creation of a Master Plan for Responsible Advanced Nuclear Development” as proposed in Part VV of the TED.

Achieving NY's ambitious climate goals under the CLCPA will be difficult enough without distracting our primary energy and environmental agencies with expensive, false solutions like new nuclear energy plants which are a risky, impractical and unproven technology. We already know that there is a pathway forward if we accelerate the buildout of solar and wind energy infrastructure, maximize energy storage facilities and pursue energy efficiency programs. All of this will take decisive political leadership and bold investments of public dollars in technologies we know will work. Siphoning off those precious funds to subsidize new nuclear power facilities in New York will prolong efforts to achieve our climate goals and at many times the cost. Pursuing nuclear technologies will slow the growth of safe renewable energy projects and commit New York to centuries of environmental risk as we will be forced to safeguard thousands of tons of additional radioactive waste.

New York is already burdened by the environmental and economic costs of misadventure with the nuclear industry. The leaking nuclear disposal site in West Valley, NY comes with a \$10 billion price tag for clean up and remediation. Long Island ratepayers are still financing the \$6 billion Shoreham Nuclear powerplant, whose construction began in 1973, but closed in 1989 without ever producing any significant power, due to safety concerns. And cost overruns on the \$6.4 billion Nine Mile Point 2 reactor caused electricity prices to spike, tanked Niagara Mohawk's stock value, and eventually led to the utility's near-bankruptcy. The allegedly new and cutting edge advanced nuclear generation technologies and Small Modular Reactors have proven to be prohibitively expensive, even as current federal subsidies continue to lure states to consider pilot projects. New York cannot afford another multi-billion dollar debacle that does nothing to support our electrical grid or advance our climate goals. The Sierra Club encourages the legislature to intervene in Governor Hochul's plans to plunge NY into deeper nuclear debt and remain steadfast to the renewable energy path we have undertaken. Nuclear power is a dangerous dead end and we urge you to stop pursuing the technology as a viable climate solution.

Decarbonize New York's Transportation Sector in the Budget

Cars, trucks, planes, trains and ferries collectively make up one third of New York State's climate-disrupting emissions, yet transportation lags behind other sectors when it comes to decarbonization plans or revenue generating emissions reduction programs (though a 'Cap and Invest' program would help significantly). The Climate Leadership and Community Protection Act did not set targets for the transition to zero emission vehicles beyond the overall mandate to reduce emissions across all sectors 85% by 2050, leaving some questions about what MTAs are supposed to do when they need to order new buses, commuter trains and ferries. Because these modes of transportation have lifespans of over a decade - making purchases of all electric buses, locomotives, ferries and airport support infrastructure now will avoid years of unnecessary pollution and climate emissions, or escalating fossil fuel costs.

S.1456 (Kavanagh)/A.1331 (Simon) will incentivize segments of the public transportation sector once considered too difficult to decarbonize, but now entirely possible with recent advances in battery and propulsion system technology. S.1456 directly supports New York's climate goals by placing trains, planes, and watercraft on a clear path to a zero-emissions future.

The bill requires that the MTA operate only zero-emission LIRR and in-state Metro-North commuter trains by 2035. Since significant sections of each railroad system currently rely on burning diesel fuel, this transition would carry powerful environmental benefits. The bill also calls for publicly funded ferry

companies to purchase only zero-emission vessels starting in 2030, and for other public vessels in NY waters to be near-zero-emissions by 2040. To support this transition, the bill requires a NYSERDA feasibility study focused on the placement of electric charging stations along the Hudson River and canal system, and includes a Boat Clean Rebate program, similar to the state's successful Drive Clean Rebate program, which will both encourage buyers to purchase zero-emission boats and incentivize boat builders to increase their investment in electric watercraft. Because of the fiscal impact of both, these measures should be considered in the FY2026 budget.

Several provisions of S.1456 /A.1331 accelerate the adoption of sustainable aviation in New York State. The bill requires ground support equipment at public airports to meet zero emissions standards by 2030. In addition, since electric planes will not be used for long distance flights anytime soon, the bill calls for NYSERDA to study the feasibility of using sustainable aviation fuel (SAF) in New York airports. Over the next 10-20 years SAF will likely be the only reliable way to reduce emissions from long-distance flights. A second NYSERDA study would focus on the feasibility of NY airports generating renewable energy on site. Among other benefits, on-site renewable energy would support charging infrastructure for smaller-scale electric aircraft. Finally, the bill would foster the adoption of zero-emission planes by providing state grants for charging stations at flying schools and clubs and for training pilots in the operation of these new planes.

The urgency of the climate crisis requires that we do everything in our power to reduce NYS's greenhouse gas emissions as rapidly as possible, and the electrification of our public transportation sector is an essential component of that process. Significant opportunities for business development and job growth will accompany this transition, but the electric vehicle industries are developing fast, and New York must seize the moment if we are to reap the full benefits of this industrial transformation

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

Last year, the Environmental Protection Fund (EPF), for the third year in a row, was funded at \$400 million (up from many previous budget cycles at \$300m) and we were encouraged that the fund is projected to reach the \$400 million mark this year as well, but hope that with inflation and a growing list of environmental needs, the legislature can start charting a pathway to a \$500 million EPF. The EPF is NY's primary funding source for critical programs like open space acquisition, farmland and habitat protection, drinking water infrastructure and waste reduction. The projects supported by the EPF are proven economic generators and job creators, with every \$1 invested in land and water conservation generating \$7 for the state in terms of ecological services, agricultural products and recreation-related revenue. Increased funding to the EPF revitalizes tourism and makes entire regions more attractive to businesses, secures clean water resources for wineries and breweries, and ensures that farmland is preserved and is affordable to new generations of farmers.

Last year the EPF in the proposed executive budget contained a new spending line that would offload \$25 million in DEC staffing costs, when typically these are general fund expenses. We were grateful that through negotiation the legislature was able to remove this offload language and protect the integrity of the fund, especially with the growing demand of environmental programs. We urge the legislature to protect the EPF from any future offloads or sweeps, work with the governor to expand the funding line to \$500 million, and find ways to spend the fund in a more efficient and impactful way.

Fully Fund New York's Water Infrastructure Improvement Act

The Sierra Club has deeply appreciated the success of New York State's Water Infrastructure Improvement Act (WIIA) which, since 2017, has contributed over \$4 billion to much needed public water systems and programs, as threats to clean water continue to grow. The New York State DEC and DOH estimate that we will need approximately \$80 billion over the next 20 years to upgrade and maintain wastewater and drinking water infrastructure. Because of this, clean water advocates have been asking for

an annual increase of \$1 billion. Last year, the FY2025 Executive Budget proposed to slash the annual installment of \$500 million in half, over 2 budget cycles. This gutting of water funding was thwarted by the legislature and we were gratified to see restoration of \$500 million in clean water funds. But in consideration of two converging emergencies - the desperate need to “fix our pipes” and combat the widespread PFAS contamination crisis - NY cannot finance these much needed water programs on reduced funding and win this battle on multiple fronts. And New York should not fill its budget holes with money meant for something so fundamental as safe drinking water. There should be no excuse for not spending funds in the past when there is an unquenchable need from municipalities across the state. The Sierra Club joins a broad coalition of advocates asking for \$600 million to fund the WIIA in 2026. This essential program repairs failing sewage and drinking water infrastructure, upgrades and replaces septic systems, funds source water protection through land acquisition projects, remediates and replaces contaminated drinking water, confronts harmful algal blooms in our waterways, addresses water pollution caused by agricultural run-off, replaces lead drinking water service lines, upgrades mapping technologies for water systems, and more.

With our ask of an increase to \$600 million in the WIIA in 2026, communities across NY will be able to continue to fix their most pressing water infrastructure needs and protect the quality of their drinking water. This significant investment will serve as a down-payment toward our state’s massive wastewater and drinking water infrastructure needs. New York State will need to identify additional resources to increase funding to meet these vast water infrastructure needs in the years to come. While the Bond Act is providing funding for clean water, that money was always intended to supplement, not supplant, annual appropriations. New Yorkers voted overwhelmingly for a robust increase in funding for clean water, not the status quo. The Sierra Club looks forward to working with the governor and the legislature to restore adequate clean water funding to meet those goals.

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

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

We urge the Legislature to include in your one house budget proposals money for clean ups of these forever chemicals, recognizing that tests are extremely expensive and remediation even more so.

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

- **Part SS in the 2026 TED:** banning PFAS from fire fighting protection equipment
- **Beauty Justice Act** (PFAS out of Cosmetics and Personal Care Products) - S.2057 (Webb) /A.2054 (Glick)
- **Multisector PFAS Ban** - S.187 (Hoylman-Sigal)
- **Banning PFAS in Menstrual Products** - S.1548 (Fernandez) PASSED / A.1502 (L Rosenthal)

- **Pausing the land application of PFAS-laden sewage sludge/biosolids** (no bill number for 2025, to date)
- **Fund PFAS testing** - \$250,000 for testing of products (apparel, food packaging, children's products) to collect data and enforce current regulations and bans.

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

And while we grapple with the constant flow of PFAS chemicals in our waste stream, the emerging issue of land spreading of PFAS-laden sewage sludge is nearing a tipping point and a looming crisis. Through legislation, NYS should pause and ultimately stop land-application of sewage sludge due to the toxic nature of chemicals found in the sludge. Additionally, more testing for PFAS in areas where there is documentation and data regarding the presence of PFAS: includes, but not limited to, the effluent at wastewater treatment plants, the soils of the farms and lawns where sewage sludge has been spread, etc.

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

Adequately fund and staff the State's Energy and Environmental Agencies

Next to implementing a robust 'Cap and Invest' program, almost nothing is more central to the successful implementation of our climate goals than the dedicated staff within our environmental agencies charged with the crafting of regulation, monitoring of our natural resources and enforcing of rules that protect our air, water, biodiversity and climate. And with converging global crises, our state environmental agencies have been asked to do more with less in this time of extinction and climate emergency. In the past 5 years alone the Department of Environmental Conservation (DEC) has been tasked by the legislature to take on many new responsibilities: administering the Climate Leadership and Community Protection Act, establishing the Office of Renewable Energy Siting, administering the new plastic bag ban, the polystyrene ban, the glyphosate ban on state lands, the trichloroethylene ban, the mandate to recycle food waste and organics, new drilling waste regulations, the phase out of PFAS, 1,4-dioxane, coal tar, neonicotinoids and chlorpyrifos, solid waste management rules, clean vehicle standards, paint stewardship laws, wetlands protection and administering the new Climate Superfund - all on top of our baseline programs to protect air and water. It's clear that the DEC requires more staffing and funding.

New York has lost nearly a quarter of the DEC's workforce since the 1990s, which has meant fewer enforcement actions against polluters, increased spread of invasive species and less review of impending threats to our environment. While there have been efforts to restore and streamline DEC's workforce, it is our understanding that the agency needs approximately 225 new full-time employees across multiple divisions to effectively administer permitting, rulemaking planning, grant applications, enforcement and more.

As an example: the legislature approved sweeping reforms in 2022 to enhance the way wetlands are protected in New York, giving the DEC permitting protection over an additional 1,000,000 acres of swamps, bogs, marshes and fens - habitats critical to filtering clean drinking water, attenuating catastrophic floods and sequestering tons of carbon. But such added responsibility requires a doubling of required permits and staff commensurate with that increased workload. The wetlands program is just now implementing the new rules and requests for permitting decisions are now flowing in to an understaffed

department. Successful implementation of this new program is dependent upon having sufficient staff. The legislature must ensure its mandates are given the proper resources to succeed.

In similar fashion, the Department of Health must implement federal mandates, requiring the replacement of 500,000 lead service lines by 2037 and implement and enforce additional safe drinking water standards imposed on 296 utilities now exceeding safety standards, assuming NYS preserves these new federal standards now being rolled back by the Trump administration. The DOH will need additional resources to oversee these mandates. Please use the budget process to hire additional scientists, analysts, inspectors, environmental conservation officers and policy makers to serve the DEC, ORES, PSC, NYSERDA, DOH and SHPO in a way that fulfills New York State's obligation to our climate laws and the right to a clean and healthful environment.

While the FY 2026 executive budget does contain promising funding levels for clean water safeguards, hazardous waste clean ups, and the Environmental Protection Fund, one has to wonder what future events will lead Governor Hochul to claw them back the way she has done with so many other pivotal environmental programs. New York has always been a climate leader, especially in times when our national political disposition has been hostile to renewable energy and emissions reductions. The second Trump administration presents perhaps the greatest modern threat to addressing climate change and New York cannot shrink away from its responsibility to lead. The Sierra Club implores the legislature to help Governor Hochul to reseize the mantle of climate justice and advance the 'Cap and Invest' program and NY HEAT ACT in the FY 2026 Budget. Our families and future cannot afford otherwise.

Thank you for your consideration of these comments,

A handwritten signature in black ink that reads "Roger Downs". The signature is written in a cursive, flowing style.

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