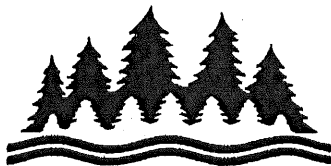


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16

Empowering Communities. Advocating Solutions.

Testimony to the Joint Hearing on the Environmental Budget

Adrienne Esposito, Executive Director

January 29, 2014

16

Thank you for the opportunity to speak today. I am Adrienne Esposito, Executive Director of Citizens Campaign for the Environment (CCE). CCE is a statewide 80,000 member non-profit, non-partisan advocacy organization that works to empower communities and advocate solutions that protect public health and the natural environment. CCE has a number of budget priorities that we believe will enhance public health protection, boost local economies and provide long term protection for our state's natural resources.

ENVIRONMENTAL PROTECTION FUND (EPF)

The Environmental Protection Fund is critical to every New Yorker, transcending all race, age, class, and gender differences. From Montauk to Buffalo, the EPF enhances the quality of life for everyone living in the Empire State. A 2012 analysis by The Trust for Public Land found for every \$1 of EPF funds invested in land and water protection, \$7 in economic benefits through natural goods and services is returned to the state of New York. The EPF supports thousands of jobs in our state from outdoor tourism and agriculture to drinking water protection. EPF-supported industries generate approximately \$40 billion in revenue every year.

EPF funding took a substantial hit during the economic down turn. The good news is the EPF's primary revenue source, the Real Estate Transfer Tax (RETT), has been rebounding. This fiscal year, RETT is expected to generate \$750-800 million. In addition to the EPF, the RETT funds 1996 Clean Water/Clean Air Bond Act payments. Those payments are now being reduced, and the Bond Act payments will be \$12 million less this year than they were last year. **The RETT's recovery combined with the decrease in Clean Water/Clean Air Bond Act payments should result in an increase in the EPF.**

Through the EPF, New York is conserving and enhancing farms, forests, rivers, beaches, and lakes. The EPF is supporting community parks, recycling programs, zoos and botanical gardens. EPF programs improve the quality of life for all New Yorkers. The programs attract businesses, create jobs and protect our water, air, and quality of life. Unfortunately, the dollars needed for these programs far outpaces appropriations and spending. Delays and long waiting lists for EPF projects continue to threaten opportunities to leverage millions of dollars from local, federal and private sources. The current proposal to fund the EPF at \$157 million for FY2014-15 is not enough to address the outstanding needs. Last year the EPF got a critical boost, now we need to continue to boost this essential fund to meet the demand on existing EPF programs, and enhance programs throughout the state. A healthy economy is reliant on a healthy environment.

SUFFOLK COUNTY WATER QUALITY

The EPF includes \$2 million for Suffolk County water quality projects. CCE supports this funding and thanks the Governor for including this new line item. CCE encourages the Legislature to keep this funding in the final budget agreement.

OCEAN & GREAT LAKES

In part due to the funding invested in the EPF's Ocean and Great Lakes subcategory since 2005, New York has made real strides in improving our knowledge of our ocean, coastal and Great Lakes resources. Additional resources are needed to continue and expand the work to protect these critical economic treasures.

In 2010, ocean sector industries like fishing and tourism contributed more than \$21.7 billion to New York's Gross Domestic Product (GDP) and supported nearly 300,000 jobs.¹ The largest ocean economy sector is tourism and recreation: in 2010, tourism and recreation contributed more than \$16.5 billion to the state GDP and supported nearly 254,000 jobs.² The Great Lakes also contribute significantly to the state's economic well-being, supporting a sport fishery valued at more than \$2.27 billion that generates nearly 12,000 jobs. In addition, Lakes Erie, Ontario and the St. Lawrence River provide the foundation for a multi-million dollar tourism industry in the New York Seaway Trail region; serve as a key water resource for hydropower generation and manufacturing industries and allow for recreational boating opportunities that contribute over \$600 million a year to New York's economy.³

In January, DEC hosted whale experts from across the region to discuss designing a survey for the New York Bight that will address occupancy and residence time of the various whale species, including the endangered North Atlantic right whale. Acoustic monitoring done by Cornell several years ago detected right whales and blue whales off the south shore of Long Island. Funding will be needed for a multi-year survey that will help us protect whales from ship strikes – one of the main threats to vulnerable whale populations. If we are to promote and implement our State's stated objective of advancing large scale renewable energy, then whale monitoring is an essential ingredient for offshore wind advancement to assist in meeting this objective. The DEC is also working on an Ocean Action Plan that will provide additional action items in protection of our ocean, bays and estuaries

Additional resources will also be needed to implement NYS DEC's Great Lakes Action Agenda ("*Action Agenda*"), which is currently being updated. The Action Agenda identifies the most pressing problems facing the lakes, and provides specific goals and activities to address these problems. CCE strongly supports the development of a strategic plan to address the priority issues facing the lakes through an integrated ecosystem-based approach. In addition, the Action

¹ National Oceanic and Atmospheric Administration. Economics: National Ocean Watch. Data Wizard. New York, 2010. Available at: <http://www.csc.noaa.gov/ENOWDataWizard/index.jsp?StateFIPS=36000&vYears=2010>.

² National Oceanic and Atmospheric Administration. Economics: National Ocean Watch. Data Wizard. New York, 2010. Available at: <http://www.csc.noaa.gov/ENOWDataWizard/index.jsp?StateFIPS=36000&vYears=2010>.

³ Great Lakes Commission. March 2013. "Great Lakes Restoration at work in New York." Available at: <http://www.glc.org/files/main/New-York-GLRISStateFactsheet2013-final-Feb28.pdf>.

Agenda goals are aligned with the goals of the federal Great Lakes Restoration Initiative (GLRI), making NYS well-positioned to leverage federal funding.

PESTICIDE PROGRAM FUNDING

The EPF includes an additional \$200,000 for the pesticide program. CCE understands that this will be used for the implementation of the Long Island pesticide program. This is encouraging news and we look forward to learning more about that implementation. In fact, we eagerly await the release of the final Long Island Pesticide Plan, which is now 14 years in the making. As we continue to wait for the plan, there is still a deficit for assessing and reviewing pesticides in New York State. Budget cuts have resulted in the closure of the state pesticide lab and severe cuts at the pesticide registry. DEC needs adequate staff to allow new, safer products to go through the registration process. It is also necessary that staff is not overwhelmed, which could result in a hasty, rudimentary review of new products. Once a product is registered by the state it is extremely difficult to unregister the product, even when the product has been found to contaminate drinking water, such as imidacloprid and metalaxyl. It is CCE's strong belief that budget cuts in the DEC pesticide division have resulted in increased exposure to the public of these toxic chemicals.

BIOTOXIN MONITORING

New York's waters have been increasingly dominated by Harmful Algal Blooms. Brown Tide, Red Tide, Rust Tide, Vibrio and Blue-Green Algae were all unwelcome visitors during the summer. Brown Tide is detrimental for important clam populations, blue-green algae closes freshwater beaches, and red tide is a severe human health threat and can cause death if consumed via shellfish. As more of these toxic tides make their presence in more places, increased monitoring is necessary. The DEC needs additional support to conduct proper monitoring and enough monitoring to cover the state. Unfortunately, this is a crisis that is impacting waters across the State and it is impacting tourism, fishing, recreation, and public health. New Yorkers deserve to know if they are safe from swimming in toxic waters and safe from consuming toxic fish and shellfish.

PHARMACEUTICAL TAKE-BACK PROGRAM

The DEC runs a safe disposal program for hospitals, and health care facilities within the NYC watershed. Twice a year the DEC will pick up unused or expired pharmaceutical drugs from hospitals, health care facilities and long-term care facilities. Right now, the program is only available for facilities in the Croton Reservoir watershed, with a scheduled expansion to Monroe County. There is a need and a demand for DEC to expand this program to other areas in NYS. Health-care facilities are still flushing unused and expired drugs. In March 2013 CCE released a report, "Analysis of Existing Drug Disposal Plans at Health Care Facilities in Suffolk County, NY." The report found that 51% of Suffolk County hospitals, long-term care facilities and nursing homes are flushing expired and unused controlled substances. In Spring 2013, Westchester County Health Department conducted a survey of the 16 hospitals and found 5 are still flushing controlled substances and 2 are flushing non-controlled substances.

CCE worked with Suffolk County Legislator Kara Hahn to organize a roundtable with health care facilities. The participating facilities were very candid about their disposal practices and talked about the many barriers they face in safe disposal. Many were frustrated. Many of the

long term care facilities used the Drug Enforcement Agency's (DEA) program, which provides free pick up and safe disposal twice per year. But this left them with needing to store drugs for 6 months between the DEA pick up days. Storing drugs at these facilities is not a desirable option.

An expansion of the DEC program would be complimentary to the existing federal DEA program. The 2 programs would allow health care facilities the ability to properly dispose of their unused and expired drugs four times a year. This would greatly diminish the need to flush unwanted drugs.

Pharmaceutical drug contamination in ground and surface waters is an emerging issue throughout the state. There are currently no local, state, or federal policies that prevent improper disposal of pharmaceutical drugs. The expansion of DEC's take-back would protect all NY waters, not just NYC's watershed. Flushing unused and expired drugs end up polluting drinking and surface waters throughout all of NY, a holistic solution is needed. . CCE encourages the Legislature to add \$800,000 in FY2014-15 to expand the DEC's program statewide.

SEWAGE POLLUTION RIGHT TO KNOW IMPLEMENTATION

We are excited and thrilled that the Legislature acted to pass the Sewage Pollution Right to Know Act, a critical step to protecting public health and the environment. Unfortunately, this law has still not been fully implemented. One aspect of the law that is failing is the notification of discharges from combined sewer systems – Combined Sewer Overflows (CSOs). Across the state more than 33 billion gallons of combined sewage and stormwater is discharged into New York's waterways each year. The volume of raw sewage discharged from these CSO systems make them the largest single source of sewage contamination that is covered by SPRTK.

In order to enable CSO communities to gather better information on these discharges – including the where, when, how much and how long that is required by SPRTK – CCE encourages the Legislature to designate \$850,000 to DEC for the purposes of conducting CSO outfall monitoring and/or CSO discharge predictive modeling. This critical monitoring and modeling will provide members of the public with the information necessary to make informed swimming, boating, and fishing choices for themselves and their families.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION BUDGET

As of the 2013 budget the DEC has 23% fewer employees than in 2007. This translates into a congested and constrained agency that is not able to adequately fulfill its mission and into missed opportunities for New Yorkers. **CCE urges you to increase DEC funding and staff in FY 14-15.** The DEC needs to be well-staffed to meet its obligations and protect New Yorkers.

DEPARTMENT OF STATE

The Department of State is responsible for doing Coastal Zone Management (CZM) assessments; however it is unable to process these assessments in a timely fashion because of a lack of staff. After years of budget cuts, DOS is still operating with a skeleton staff and the CZM program is at a standstill. CCE encourages the Legislature to increase CZM staff at DOS.

REUSABLE BAG INCENTIVE

Finally, we would be remiss if we did not mention a new opportunity to generate revenue. The Legislature should include a reusable bag incentive in the budget. By implementing a 5 cent fee for disposable, wasteful, throw-a-way bags NYS could be generating revenue and addressing a serious solid waste issue that is plaguing our waters, parks and neighborhoods.

Over the last few decades, the issue of disposable bag pollution has become a global concern. Plastic and paper bags have become ubiquitous part of daily life, and are taking a toll on our environment and our economy. According to the EPA, between 500 billion and a trillion plastic bags are consumed worldwide each year, and each of those bags is used for an average of 12 minutes. These bags, which never fully break down, end up in our landfills, parks, beaches, along roadways, parking lots and in our waterways. Disposable bags are harmful, wasteful, costly, and unnecessary. CCE urges the Legislature to make New York State a leader by placing a 5 cent charge on disposable plastic and paper bags at check-out counters. Revenue generated from disposable bag fees should be used to help address environmental problems.

Disposable bags cause significant problems to our environment and economy, and their free giveaway comes at a significant cost to society. U.S. retailers spend approximately \$4 billion annually to purchase disposable bags, which is passed on to the consumer in the form of higher prices. Municipalities are also spending millions of dollars to dispose of plastic bags, for example NYC spends \$10 million annually to dispose of plastic bags. Disposable bags often end up as unsightly litter in our communities, and when it rains, this litter is swept into storm drains blocking them and causing infrastructure damage and localized flooding. Recent studies have found high levels of plastics in the Great Lakes and oceans, and thousands of plastic bags are being found on throughout NY beaches. Voluntary efforts by businesses and consumers to simply switch to reusable bags are an important start, but state-wide action is needed. Policies enacted by municipalities and countries to place a fee on disposable bags have proven highly effective at reducing disposable bag use, while increasing the use of reusable bags. CCE urges the Legislature to address this issue and enact a NYS Reusable Bag Incentive.

Thank you for your time and consideration of our remarks.

