



## **Joint Legislative Hearing: Environmental Conservation**

### **Testimony by Adrienne Esposito, Executive Director, Citizens Campaign for the Environment**

**January 23, 2019  
Albany, NY**

Thank you for the opportunity to provide testimony today. My name is Adrienne Esposito, and I am the Executive Director at Citizens Campaign for the Environment (CCE). CCE is an 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 throughout New York State.

#### **PROVIDE AT LEAST \$2.5 BILLION IN NEW FUNDING FOR CLEAN WATER INFRASTRUCTURE**

NY State made history when the legislature worked with the Governor to enact the Clean Water Infrastructure Act of 2017, which is investing \$2.5 billion over 5 years in upgrading wastewater and drinking water infrastructure, protecting source water, and other provisions to protect our treasured waters across the state. Investments made through the CWIA are making a tremendous impact in advancing shovel-ready projects, protecting drinking water quality, and creating jobs throughout New York. \$750 million in WIIA and inter-municipal grant funding is supporting nearly \$2.65 billion in total project costs for vital drinking and wastewater infrastructure projects statewide, which is expected to support more than 47,000 jobs in the construction, supplier and service sectors. This funding is providing much-needed financial relief to local governments, protecting our treasured waters, safeguarding public health, and helping to drive economic development.

These investments are yielding significant results; however, we still have much work to do to address all of New York's clean water needs. Only about 30% of those that have applied for funding under WIIA have received funding, meaning that approximately 70% of applications have not been funded. This speaks to both the popularity of the grant program, as well as the need to provide additional funding to meet the clean water infrastructure needs of communities across the state.

As you know, New York State has estimated that the combined wastewater and drinking water needs in the state exceed \$80 billion over the next 20 years. Numbers like these have translated to a reality that has meant thousands of water main breaks that wreak havoc on local economies, contaminated drinking water supplies that threaten public health, and billions of gallons of raw

and combined sewage that foul our precious waterways. We have solutions to these problems, and we can't afford not to use them.

CCE has brought together a broad, unprecedented collaboration of stakeholders—including water suppliers, wastewater treatment operators, government agencies, environmental organizations, environmental justice organizations, academia, construction contractors, and other water stakeholders—to work together to identify the challenges and solutions to protecting clean water in New York State. This group has been calling for a new, 5-year, \$2.5 billion investment, beginning in the 2019-20 budget (combined with the three remaining years of funding under the Clean Water Infrastructure Act of 2017). *We are thrilled that the Governor has proposed to include this additional \$2.5 billion in his executive budget proposal, and we strongly urge the legislature to support this in the final state budget.* However, the \$2.5 billion is not included in the Capital Appropriations legislation, only the first installment of \$500 million is appropriated. We are hopeful the Legislature will include the full \$2.5 billion commitment of new funding in your proposed budgets to be allocated in equal parts over 5 years.

### **ADDRESS THE STATE'S RECYCLING AND SOLID WASTE CRISIS**

At the local, state, national level—we are all experiencing a solid waste and recycling crisis. Instead of creating our own markets and developing our own infrastructure, we relied on sending our recyclables to China and other overseas markets. In January of 2018, China dramatically altered their policy and now requires inspections of all recycling materials before accepting them, including New York's paper and plastic. That has essentially halted the ability of the US to send recyclable materials to China. Municipalities that were once getting paid for their recyclables, now have to pay to recycle them. Markets routinely fluctuate, but we have now entered a new normal—a new normal that needs new, innovative solutions.

Policy changes at the state level are a necessity to address New York's ongoing solid waste crisis, save valuable natural resources, drive economic development, and protect the state's environment. CCE recommends that New York State consider the following funding and policy initiatives in the 2019-20 NYS Budget:

#### **1) Ban Plastic Carryout Bags, and Include a Fee on Paper Bags**

Like EPS foam, plastic bags represent a small portion of the waste stream but a big problem for recyclers and municipalities. Plastic bags end up in our waterways, our landfills, or our recycling facilities, but none of these are good options. Littered plastic bags are washed out through storm drains to our local waterways and eventually become ocean pollution. Those that are properly disposed of are sent to landfills, where they never fully break down. New York City alone estimates they spend \$12.5 million each year to dispose of the 1,700 tons of plastic bags collected each week.

Plastic bags not sent to landfills are often put in recycling bins, where they clog recycling machines and cost recyclers time and money to remove, and cause significant contamination. Several recycling facilities in New York State were surveyed by New York State Department of Environmental Conservation (DEC) staff regarding extra operational costs as a result of single-use plastic bag contamination. These facilities reported a range of costs between \$300,000 to \$1 million per year.<sup>1</sup> In Suffolk County, the Brookhaven Material Recycling Facility (MRF) estimated that they lost over \$100,000 per year removing clogged plastic bags from screens on their machines. Since Suffolk County implemented their 5-cent fee on plastic and paper bags in January 2018, the Brookhaven MRF has reported a significant decline in plastic bags and is experiencing fewer delays from clogged machines. With large grocery stores reporting over 80% decrease in plastic bag use amongst residents, there is also far less plastic bag litter and fewer plastic bags getting shipped to landfills.

**To reduce waste, curb litter, and save recyclers time and money, CCE recommends that NYS implement a comprehensive single-use bag reduction policy in the SFY 2019-2020 budget .** We applaud the Governor for recognizing the threat posed by plastic bags and proposing a ban on some single use plastic bags; however, based on the experience of hundreds of communities across the nation, as well as nations from around the globe, there are a number of critical improvements needed to make New York’s bag policy effective:

- a) **Include a fee on paper bags.** Banning plastic bags needs to be supplemented with a fee on paper. The goal is to switch from single-use bags to reusable bags, not from single-use plastics to single-use paper bags, which come with a host of adverse environmental impacts (waste natural resources, increased energy use). *Los Angeles, CA achieved a 94% reduction in single-use bag use (including a 30% drop in paper bag use) after adopting a ban on thin plastic bags and a 10 cent fee on everything else!* In San Jose, CA (which uses a similar hybrid approach to that of Los Angeles), municipal solid waste professionals reported an 89% percent drop in plastic bags clogging storm drains, a 60% decrease in plastic bags recovered in rivers and streams, and 59% fewer plastic bags found littering the streets. This ban/fee policy is now enacted statewide in California. By banning plastic bags, coupled with a fee on paper and thicker plastic bags, NYS can significantly curb single-use bag consumption and waste and incentive consumers to switch to the environmentally friendly and cost effective solution—reusable bags. The fee would also generate revenue, which should be used to support environmental protection in New York State.

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<sup>1</sup> New York State Plastic Bag Task Force: Report: An Analysis of the Impact of Single-Use Plastic Bags; Options for New York State Plastic Bag Legislation. January, 2018

[https://www.dec.ny.gov/docs/materials\\_minerals\\_pdf/dplasticbagreport2017.pdf](https://www.dec.ny.gov/docs/materials_minerals_pdf/dplasticbagreport2017.pdf)

- b) **Remove exemptions that would significantly weaken the law.** The Governor’s proposal needs to provide more clarity on which stores would be covered by the ban. It is unclear if the proposal would only ban plastic bags at “covered stores,” which 1) have over ten thousand square feet of retail space, or 2) are part of a chain (5 or more locations) with over 5000 square feet of retail space, or if this “covered store” definition only applies to mandating film plastic recycling. *If the ban only applies to large retailers and chain stores, this gaping loophole would allow an large amount of establishments to continue to distribute free plastic carryout bags, significantly reducing the effectiveness of the law.* CCE urges that any legislation to reduce plastic bag use includes, at a minimum, drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores or foodmarts that provide carryout bags to customers in which to place purchased items—regardless of size or if they are part of a chain.
- c) **Don not pre-empt local governments from restricting bags at restaurants in the future.** Nothing in this policy should restrict local governments from being able to go further in protecting their communities from single-use bag pollution now or in the future.
- d) **Include a strong definition for reusable bags.** The law should ensure that stores do not attempt to provide thicker single use plastic bags by calling them reusable. The Governor’s proposal does not exempt municipalities from placing a fee on paper bags, but it is critical that municipalities are not preempted from placing a fee on reusable bags as well. This loophole can be avoided by providing a strong definition of reusable bags. *CCE recommends the following:*
- REUSABLE GROCERY BAG" MEANS A BAG WITH HANDLES THAT IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE THAT IS PROVIDED BY A STORE TO A CUSTOMER AT THE POINT OF SALE AND CAPABLE OF CARRYING TWENTY-TWO POUNDS OVER A DISTANCE OF ONE HUNDRED AND SEVENTY-FIVE FEET FOR A MINIMUM OF ONE HUNDRED AND TWENTY-FIVE USES AND IS EITHER (A) MADE OF CLOTH OR OTHER MACHINE WASHABLE FABRIC, OR (B) MADE OF DURABLE PLASTIC THAT IS AT LEAST 2.25 MILS THICK, MEASURED ACCORDING TO THE ASTM STANDARD D6988-13
- e) **Clarify that stores would still have to provide the public with recycling for plastic bags and other plastic film.** The NYS Plastic Bag Reduction, Reuse & Recycling Act requires retail stores to provide recycling for plastic bags/film. An unintended consequence of a plastic bag ban may remove the responsibility of stores to provide this important service. The NYS Plastic Bag Reduction, Reuse & Recycling Act defines a store as “a retail establishment that provides plastic carryout bags to its customers as a

result of the sale of a product.” While plastic carryout bags cause a disproportionately large adverse impact on our environment, these bags remain a relatively small percentage of the amount of plastic film in use. It is critical that even when plastic carryout bags are banned, the public continue to have access to plastic film recycling at retail stores. *CCE urges the legislature to ensure that the new bag ban law clarify that the ban on carryout plastic bags does not negate stores’ responsibility to provide plastic bag/film recycling.*

## 2) **Fund a robust, statewide recycling education program**

New York State should significantly expand education on recycling, focusing on the general public and businesses, as well as municipalities:

- **Educating the Public to “Recycle Right” (and Stop “Wish-cycling”)**

A growing part of our recycling problem is actually built on good intentions. For decades, the public has been told how important it is to recycle, and the message has clearly gotten through. Recycling has become part of our civic duty. Unfortunately, people often put much more in their recycling bin than they should. “Wish-cycling,” or throwing items in the recycling bins that you hope are recyclable or think should be, often causes much more harm than good. Throwing items in the recycling bins that do not belong there can contaminate inbound streams of recyclable materials, causing massive amounts of recyclable materials to have to be sent to landfills instead of being recycled. Contaminated recyclables can cause a host of other problems, from slowing down manual sorting of recyclables, to breaking machinery, to degrading the quality of recyclable materials.

The good news is that this problem of “wish-cycling” can largely be addressed with educating the public to “Recycle Right.” While recycling programs vary from municipality to municipality, there are tips that can help every New Yorker make better decisions about recycling. A statewide, robust, and *uniform* public education campaign would provide New Yorkers more information on best practices that will improve recycling in New York. Examples include, but are not limited to, what to throw in your bin (e.g. empty aluminum cans, clean paper and cardboard, empty plastic bottles and jugs with necks), what not to throw in your bin (plastic film bags, containers with food residue, wax coated cardboard), and best practices (e.g. rinse food containers before recycling)

- **Promote Standardized Recycling across New York Municipalities**

A significant source of confusion among the public about what is actually recyclable is perpetuated by inconsistent recycling instructions from community to community, and even inconsistent labeling from recycling bin to recycling bin. Plastic recycling can be very confusing for the public. On Long Island, plastic recycling policies differ from municipality

to municipality. Brookhaven, Oyster Bay and East Hampton only collect #1 and #2. Babylon, Hempstead and Huntington will collect all plastics. North Hempstead collects #1,2,4,5, and 6. (see attached chart). This immense variation in one geographic area makes it challenging to provide the public with clear, effective messaging.

While there will be some variation among municipal recycling programs across the state, there are certain aspects of recycling that are consistent and much could be done to provide more standardized labels/ recycling instructions to the public. Since most people get their information on what to recycle/what not to recycle from the municipality in which they live, New York State should develop standardized messaging and recycling instructions, which municipalities can include in outreach to their residents. New York State should provide grant funding to local governments to incorporate this information and to help expand local recycling educational efforts.

### 3) **Expand and Modernize the Bottle Bill**

New York State’s Returnable Container Law (aka “*the Bottle Bill*”) was enacted in 1982, and after 36 years of existence, stands as one of New York’s most successful and impactful environmental laws. The program established a 5-cent refundable container deposit on beer, malt liquor, wine coolers, and carbonated soft drinks sold in a metal, glass, paper or plastic container that are less than 1 gallon in volume. The Bottle Bill was updated and improved in 2009 to include bottled water, and to direct 80% of unclaimed deposits to be kept by the state.

The Bottle Bill has reduced roadside container litter by 70 percent. In 2016, the Bottle Bill helped to recycle 5.1 billion plastic, glass and aluminum beverage containers totaling more than 336,000 tons; at no cost to local governments.<sup>2</sup> *It is also important to highlight that a deposit is NOT a tax, it is a deposit—the bottle deposit is 100% refundable, and those that return their bottles don’t have to pay a nickel.* Despite the success of the Bottle Bill, more must be done to modernize this bedrock law in order to help address the solid waste crisis, reflect current markets, and further protect the health of our environment.

**New York State can improve beverage container recycling rates and support municipal solid waste reduction by modernizing and expanding the Bottle Bill in the 2019-20 state budget.** The Governor has included an expansion of the Bottle Bill in his executive budget, which would include most non-alcoholic beverage containers eligible for 5 cent redemption, including those for sports drinks, energy drinks, fruit and vegetable beverages and ready-to-drink teas and coffee. These types of beverage containers are a significant part of the market, and are critical “to-go” beverage containers that need to be covered by the current Bottle Bill. Including these beverage containers that are popular today will undoubtedly provide significant benefits,

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<sup>2</sup> <https://www.dec.ny.gov/chemical/8500.html>

such as increasing recycling, reducing plastic pollution in our communities, saving energy, and reducing greenhouse gas emissions. In addition to expanding the Bottle Bill to include the Governor's proposal, New York State should explore options and opportunities to ensure curbside recycling can be successful. We need both a strong Bottle Bill and successful curbside recycling programs.

In addition to supporting the Governor's proposal, CCE recommends that New York State expand and modernize the Bottle Bill by:

- *Expanding covered containers to include glass wine and liquor bottles.* Many of the **glass containers** that are carefully cleaned and placed into recycling bins have been **sent to landfills for years**. Statewide, more than 122 million pounds of recycled mixed glass was used for landfill access roads and trash cover last year because there were no willing buyers.<sup>3</sup>

In contrast, glass materials collected under the bottle deposit system produce a higher quality post-consumer recycled product than glass collected through curbside recycling programs. Glass collected through curbside recycling programs is frequently heavily contaminated with paper, cardboard and other recyclables, which must be sorted mechanically.<sup>4</sup> Because of this, materials collected actually bring in significantly lower per-ton scrap revenues. Curbside glass, in fact, actually *costs* about \$20/ton to recycle, versus deposit glass that has a \$20/ton scrap value.<sup>5</sup> Including a deposit on wine and liquor bottles will provide significant financial relief to municipal recycling programs, while helping to ensure that glass bottles are actually recycled.

- *Increasing the amount of the container deposit to 10 cents on each covered container.* Five cents does not carry the same financial incentive today as it did in 1985. An increased deposit will yield higher return rates through the bottle deposit program. Michigan's 10-cent deposit has produced a return rate of 96% (New York's return rate in 2015 was 65%). Increasing the deposit to 10 cents will help further reduce litter, and will also reduce the amount of materials going in curbside recycling bins, thus reduce costs to local governments.

#### **4) Enact Extended Producer Responsibility (EPR) for Packaging and Printed Paper**

Packaging and printed paper constitute a significant portion of the solid waste stream in New York State. Policy changes in China that have restricted the importation of recyclable packaging and printed paper materials have significantly increased the costs for local governments and taxpayers to manage and dispose of these materials. While local governments in NYS are tasked with achieving waste diversion goals—increasing costs to taxpayers—manufacturers currently

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<sup>3</sup> <https://www.democratandchronicle.com/story/news/2018/06/29/blue-bin-curbside-recycling-losing-money-new-york-plastics-paper-glass-china-bans-imports/715017002/>

<sup>4</sup> "Cullet Comparisons." By Susan Collins, *Resource Recycling* magazine, February 2017. <https://resource-recycling.com/recycling/2017/03/02/cullet-comparisons/>

<sup>5</sup> "Cullet Comparisons."

bear no responsibility in dealing with the waste that they create. Large brands have externalized the cost of disposing of packaging onto our municipal recycling programs. For example, an estimated 165 billion packages are shipped in the U.S. every year, with the cardboard used roughly equating to more than 1 billion trees.<sup>6</sup> Companies (think Amazon and Blue Apron) currently bear no responsibility in dealing with the packaging waste that their business creates.

Extended Producer Responsibility (EPR) would require producers (brand owners) to take responsibility for their products throughout their entire product life cycle, by bearing the cost of proper recycling and responsible disposal for packaging and printed paper. Not only does this provide relief to taxpayers, it also serves as an incentive to producers to minimize packaging materials, improve recyclability, and reduce the toxicity of their products. Packaging EPR policies have existed in Canada and the EU for decades, and have resulted in recycling rates upwards of 80%.

In 2014, British Columbia adopted a packaging EPR law, which now stands as a shining example of success. In 2017, Recycle BC, (the industry funded non-profit organization comprised of over 1,100 companies including manufacturers, retailers, restaurants and first importers that supply packaging and paper to BC residents) recovered approximately 175,000 tons of packaging and paper products from 3.5 million residents, amounting to a recovery rate of 75%.<sup>7</sup> The majority of collected material was sold to end-markets for use in the manufacturing of new products and packaging. Even with the China Ban, the Recycle BC program remains successful. British Columbia's EPR program has garnered improved environmental outcomes by collecting larger quantities of packaging and paper products with lower rates of contaminations. Subsequently, the material is managed more efficiently and responsibly. This program saves local governments an estimated \$100 million annually by shifting the responsibility to the producers of packaging and paper products.

New York State already has EPR policies for e-waste, mercury thermostats, and rechargeable batteries. Most recently, Governor Cuomo signed the Drug Take Back Act, which will require pharmaceutical manufacturers to fund a statewide safe drug disposal program. Enacting EPR for packaging and printed paper is logical next step, and would help address the state's solid waste problems, while benefiting the environment and providing relief to taxpayers.

## **5) Enact the Food Recovery and Recycling Act**

New York generates an estimated four million tons of excess food annually; the vast majority of which is disposed of in landfills. In fact, 18% of the state's municipal solid waste stream is comprised of wasted food. Not only is food waste unnecessarily contributing the New York's solid waste woes, it is a serious economic, environmental, and food security problem. About

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<sup>6</sup> Can Online Retail Solve Its Packaging Problem? Adele Peters, Fast Company, April 20, 2018.

<https://www.fastcompany.com/40560641/can-online-retail-solve-its-packaging-problem>

<sup>7</sup> <https://recyclebc.ca/wp-content/uploads/2018/07/RecycleBCAR2017-June292018.pdf>

25% of the food we buy is wasted, while more than 2.5 million New Yorkers face food insecurity, and food sent to landfills results in increased methane emissions, a potent greenhouse gas that contributes to climate change.

If enacted, the Food Recovery and Recycling Act would serve as a funded mandate that would provide surplus food to hungry people, convert organic waste into valuable compost, create renewable energy, and drive economic development in NYS. The law would require commercial establishments generating an annual average of two tons per week or more of excess food waste to donate edible food to those in need and repurpose and recycle food scraps. This act reduces the initial volume of food produced by commercial generators and residents; recovers wholesome food to be donated to regional food bank systems to feed the hungry; repurposes excess food to feed animals; and recycles all other food scraps by processing the leftover food through composting or anaerobic digestion. In addition, the New York Department of Environmental Conservation would be required to develop educational materials on food waste minimization for municipalities. This program would prevent valuable organic material from being dumped in our landfills, and would yield immense benefits to the environment, economy, and the health of New Yorkers.

#### **6) Expand Markets for Recyclables and Support Glass Recycling**

China closing its door to our recyclable materials has necessitated that New York State must help to create and expand markets for recyclable materials. In order to increase recycling, there must be a market for recycled materials. New York State can use its purchasing power to favor products with more recycle materials. CCE urges you to initiate state procurement of products made with recyclable materials and to provide incentives to build glass recycling facilities our state.

#### **7) Ban EPS Containers**

One of the most problematic materials in our current waste stream is expanded polystyrene (EPS) foam, commonly referred to as Styrofoam. In addition to increasing public exposure to Styrene, a likely carcinogen, and contributing to the plastic pollution problem in our local waterways, EPS presents a large problem for recyclers. After EPS food and beverage containers are used and discarded, they are contaminated with food residue, compact during trash collection, and break into small bits. **These used EPS containers have no value in the recycling market.** After years of studying this issue, the New York City Department of Sanitation released a determination that EPS foam food and beverage containers cannot be recycled in “an economically feasible and environmentally effective manner.” A recent court decision upheld DSNY’s findings and allowed New York City to move forward with a ban on EPS containers, which will go into effect on January 1, 2019.

Despite the fact that these containers are not actually recyclable, many end up in curbside collections, where they end up contaminating other recyclables at municipal recycling facilities.

The lightweight, broken pieces of EPS containers are extremely difficult to capture and remove during the sorting process and end up contaminating valuable recyclable streams, most often paper. Any EPS foam that is properly sorted and removed at these recycling facilities ends up being stockpiled at the facilities or landfilled at additional cost to the municipality. Although EPS makes up less than 1% of most municipal waste streams, it represents a huge problem for recyclers.

**NYC, Ulster County, Albany County, and over 100 other US cities have banned EPS containers. CCE recommends NYS take similar action ban EPS foam container on the state level.**

### **8) Incentivize the Phase-out Single Stream Recycling**

Single stream recycling is a practice where residents mix all their recyclables together—glass, aluminum, plastic, cardboard, and paper. The recyclables are then taken to a facility to be sorted. This practice increases the amount of recyclables—a benefit when markets are profitable—but it adversely impacts the quality of recyclables. China’s new low contamination rates are an extreme hardship for single stream operations. When the Town of Brookhaven switched to single stream recycling they saw their recycling rate increase by 25%<sup>8</sup>. Abruptly, Green Stream Recycling, a single stream company in the Town of Brookhaven, had to pull out of their contract, and owes the town \$1.7 million in unpaid fees and bills. Towns like Huntington that had been able to sell their single-stream recycling to Brookhaven, are now paying to dispose of waste in private facilities. Nearly 22 percent of recyclable paper, plastic, cardboard and aluminum brought to the Brookhaven facility has gone to incinerators or landfills, double the rates of 2016 and 2017<sup>9</sup>.

Communities that have switched to single stream recycling cannot meet the stringent contamination requirements imposed by the new China policies and are left with undesirable recyclables. Many communities are now looking to move away from single stream recycling and transition back to dual stream recycling; however, this will require a significant investment in transitioning recycling infrastructure. CCE supports the phase-out of single stream recycling, and urges New York State to provide resources to municipalities to help fund this transition to dual stream recycling infrastructure.

### **INVEST AT LEAST \$300 MILLION IN THE EPF**

CCE is grateful that the legislature and Governor have worked to provide \$300 million appropriations to the EPF over the past three years. Continuing your commitment to a robust EPF of at least \$300 million in 2019-20 will help create jobs, support tourism, protect clean water, conserve open space, save family farms, bolster recycling programs, revitalize

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<sup>8</sup> Schwartz, David & MacGowan, Carl. “Recycling is piling up at LI facilities, as China puts limits on buying”, Newsday. October 29, 2018

<sup>9</sup> Schwartz, David & MacGowan, Carl. “Recycling is piling up at LI facilities, as China puts limits on buying”, Newsday. October 29, 2018

waterfronts, build community parks, and more. CCE urges the legislature to provide at least \$300 million for the EPF in SFY 2019-20, which includes, but is not limited to, the following line items:

- **OCEAN AND GREAT LAKES PROGRAM (INCREASE EXISTING LINE TO \$20 MILLION)**  
In its 13<sup>th</sup> year, the EPF Ocean and Great Lakes Program has made significant progress conducting scientific research, management planning, and restoration projects that improve our coastal resources. NY is fortunate to have over 1,500 square miles of bays and estuaries, 120 miles of ocean shoreline, and over 700 miles of Great Lakes shoreline. While NY is fortunate to be the only state with both Ocean and Great Lakes coastline, NY also has a tremendous responsibility to protect and enhance these critical coastal resources. A \$20 million investment in this line in 2019-20 will help further restoration efforts, including implementation the New York Ocean Action Plan and the Great Lakes Action Agenda.
- **FIRE ISLAND WASTEWATER SOLUTIONS (NEW, ONE-TIME ALLOCATION OF \$500,000)**  
New York's efforts to combat nitrogen pollution and restore water quality on Long Island must include Fire Island. The 575 residents of the Village of Ocean Beach utilize a municipal sewage treatment plant while an additional 3,600 residents on Fire Island rely on cesspools and septic systems. This effort is prompted by the current upgrades happening to the Village of Ocean Beach's Sewage Treatment Plant (STP) and collection system that could allow for the expansion of the sewer district. There is a need to upgrade and improve wastewater management on Fire Island beyond the expansion of the sewer district. Given the complex nature of the Fire Island's governmental jurisdictions, array of stakeholders, and mosaic of land use and ownership, it is necessary to advance a cooperative, multi-jurisdictional effort to develop a comprehensive Fire Island-wide plan for wastewater management. Federal, state, and local agencies, nonprofit organizations, and Fire Island stakeholders convened to form the Coalition for Fire Island Wastewater Solutions, which is committed to pursuing a comprehensive wastewater treatment plan that will provide for the sustainable future of Fire Island and protect the South Shore Estuary Reserve. To achieve these goals, funding is needed for a Request for Proposal to allow the coalition to hire a consultant (through Suffolk County) to produce the necessary Wastewater Planning Study for Fire Island. **CCE urges you to include \$500,000 in the 2019-2020 budget for a comprehensive study of wastewater solutions for Fire Island. CCE recommends this funding be allocated as a line item in the Environmental Protection Fund.**
- **SUFFOLK COUNTY DEPARTMENT OF HEALTH PFC TESTING (NEW, ONE-TIME ALLOCATION OF \$500,000)**  
We respectfully urge you to provide \$500,000 in the 2019-20 Budget for Suffolk County to become a resource for testing of perfluorinated compounds (PFCs) in groundwater. This *onetime cost* includes the necessary testing equipment and a chemist. There is an increased need for PFC testing from water supplies, private wells and monitoring wells across Long Island. Groundwater contamination of these chemicals has been found in municipal and private wells on Long Island, leading to the designation of 3 potential Superfund sites in Suffolk and the health emergency of providing safe water to impacted

homes. Currently, all municipal samples for PFCs—an emerging drinking water class of contaminants—are sent to the New York State Wadsworth Laboratory. There is a backlog of water samples at Wadsworth Lab, leading to delays in testing. This backlog of testing puts public health at risk, as residents will continue to drink contaminated water while the water sample is processed. Providing the infrastructure and equipment to establish a satellite lab at the Suffolk County Department of Health will provide faster testing results, allow for testing for Nassau County’s drinking water, free up Wadsworth Lab for other New York communities, and most importantly, further protect public health.

### **FUND STATE AGENCIES**

We respectfully urge you to provide funding in the state budget to ensure that staffing levels at state agencies are adequate to carryout essential functions, including enforcement and program implementation. Staffing levels at the Department of Environmental Conservation, Office of Parks, Recreation and Historic Preservation, Department of Agriculture and Markets and Department of State remain deeply reduced from significant cuts made during previous administrations. We urge you to find room in the overall budget to make targeted increases to staffing levels in key program areas to ensure efficient and effective program implementation, and to prevent missed opportunities to leverage federal, local and private dollars.

### **PROHIBIT OFFSHORE OIL AND GAS DRILLING ON NY COASTAL LAND**

The US Department of Interior and Bureau of Ocean Energy Management have proposed to open the Atlantic Region Outer Continental Shelf for the leasing, exploration and development of oil and gas. Offshore oil and gas drilling has caused lasting damage to communities around the country and allowing offshore drilling anywhere in the Atlantic threatens New York’s health, environment, and economy.

Offshore oil and gas exploration involves blasting the ocean with seismic air guns. These massive sonic blasts have been shown to cause massive disruption to marine life, from whales to zooplankton, and can kill or severely injure fish and shellfish, including those of commercial importance like squid, lobster, and scallops. Offshore drilling also brings the possibility of a spill, which would destroy fisheries and impair water quality for decades. The Deepwater Horizon spill alone was responsible for the deaths of more than 80,000 birds from 102 different species.

In addition to the potential direct impacts from seismic blasts, leaks, and spills; offshore oil and gas drilling would thwart the significant investments made to mitigate climate change locally and improve water quality in our bays, lakes, estuaries, and ocean. New York is already experiencing the impacts of climate change and has committed to strong renewable energy goals and greenhouse gas reductions. By prohibiting the leasing of New York’s underwater coastal lands for oil and gas drilling and preventing any leases that would support federal offshore oil and gas exploration, New York can defend our waters and stop offshore drilling locally.

CCE supports the Governor’s proposal to ban offshore drilling in his executive budget proposal. The Governor’s proposal CCE also supports Kaminsky bill S.84/A. The two bills together provide strong, comprehensive protections and roadblocks to stop the federal governments ill

advised plan to pursue drilling in the Atlantic. The Governor's proposal will prohibit oil and gas exploration, development, and production in state coastal and tidal underwater land. It also prohibits construction of any new infrastructure in New York to transport oil and natural gas that is developed in the North Atlantic Planning Area. Additionally, it prohibits ships and facilities from transporting or storing oil from this area through state waters. Senator Kaminsky bill would likewise prohibit oil and gas exploration, development, and production in state waters and state leasing of underwater lands to support federal offshore oil and gas infrastructure. This bill does not include transportation restrictions, but it does extend to offshore oil and natural gas produced beyond the North Atlantic Planning Area. This is important because offshore oil and gas drilling or exploration anywhere along the Atlantic coast could put New York at risk. It is critical the Senate, Assembly, and Governor's office come together to pass these bills quickly to send a strong message to the federal government-No Drilling.