



**TESTIMONY  
OF THE  
NEW YORK PUBLIC INTEREST RESEARCH GROUP  
BEFORE THE  
JOINT HEARING OF THE SENATE FINANCE AND ASSEMBLY WAYS & MEANS  
COMMITTEES REGARDING THE  
FISCAL YEAR 2020-21 ENVIRONMENTAL AND ENERGY BUDGET PROPOSALS  
January 27, 2019  
Albany, N.Y.**

Good afternoon. My name is Liz Moran, and I am the Environmental Policy Director for the New York Public Interest Research Group (NYPIRG). NYPIRG is a non-partisan, not-for-profit research and advocacy organization. Consumer protection, environmental preservation, public health, healthcare quality, higher education affordability, and governmental reforms are our principal areas of concern. We appreciate the opportunity to testify on the governor’s executive budget proposals for the environment and energy.

Governor Cuomo’s SFY 2020-2021 Executive Budget Proposal offers several proposals that positively impact New York’s environment and health:

- Creates a \$3 billion environmental bond act, the “Restore Mother Nature” bond act;
- Increases the Clean Water Infrastructure Act by \$500 million;
- Bans high-volume hydraulic fracturing, “fracking,” in statute;
- Bans polystyrene food containers and peanut packaging;
- Expands protections of wetlands; and,
- Expands extended producer responsibility

But for New York to be on the right track to combat federal rollbacks and ensure New Yorkers have the strongest environmental and public health protections, the final budget should:

- Include, at a minimum, a new \$1 billion investment in the Clean Water Infrastructure Act to keep up with growing needs and demand;
- Expand New York’s Bottle Deposit Law to include non-carbonated beverages, wine, liquor, and cider;
- Make the Restore Mother Nature Bond Act, at a minimum, a \$5 billion bond act, and add language to require the oil and gas industry to pay for it; and,
- Ensure that the fracking ban applies to all kinds of fracking, including low volume and propane gel fracking.

The remainder of our testimony is organized by topic to provide detailed reactions to what is in the executive budget, as well as those which were left out.

### *Build upon the Restore Mother Nature Bond Act*

Governor Cuomo's executive budget proposal includes a new environmental bond act, dubbed the "Restore Mother Nature Bond Act." The governor's plan proposes that the state borrow \$3 billion to address serious environmental and infrastructure problems resulting from global warming.

The bond act would fund projects to address environmental problems such as restoring wetlands, fighting algal blooms, repairing dams, forest preservation, green infrastructure, clean energy projects, and more. These are areas that are sorely in need of additional funding.

Funding needed to protect water quality and fight climate change comes with a tremendous price tag. **This bond act proposal should, at a minimum, be increased to \$5 billion.** Additionally, implementing language should more closely resemble that of the 1986 environmental bond act by ensuring that **the climate polluters responsible for the global warming crisis, who are often the same industries that have harmed water quality, must be on the hook to pay back this bond act.**

Big oil and gas companies have known since the 1970s of the problems associated with the burning of fossil fuels. They knew it would heat up the planet and cause dire change in the environment. They accurately predicted the timetable in which those changes would occur.

But instead of being responsible, they used their considerable clout to lie about the evidence to the public, undermine the science, hire consultants and lobbyists to derail pro-health and environment reforms, and shower campaign contributions on those candidates who would do their bidding.

The governor and state lawmakers must adhere to the principle that the polluter is responsible for the mess they created. Governor Mario Cuomo stuck to that principle with the Environmental Bond Act of 1986. That bond act was used to pay for the remediation of toxic waste sites and the state then charged "responsible parties" for the costs of the cleanups. The formulation that the responsible polluter paid for the costs of their mess was so successful that the 1986 Bond Act was overwhelmingly approved by voters. The same principle should apply to a 2020 Bond Act and should be structured in a way that makes payment by "responsible polluters" (the oil, coal and gas companies) is not easily passed on to consumers and that low-income New Yorkers are protected.

### *Increase funding for the Clean Water Infrastructure Act by at least \$1 billion*

The governor included in his 2019 State of the State a commitment to an additional \$2.5 billion on top of the existing \$2.5 billion for the Clean Water Infrastructure Act ("the Act").<sup>1</sup> Keeping to this promise, the governor's executive budget proposal includes a second installment of \$500 million for the Act. However, this funding is not enough to keep pace with growing needs and demand.

**The Clean Water Infrastructure Act should receive, at a minimum, a new \$1 billion investment in the SFY2020-21 budget.**

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<sup>1</sup> New York State Governor Andrew Cuomo, 2019 State of the State Address, <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2019StateoftheStateBook.pdf>, p. 336

It has been estimated that over the next twenty years, New York will need to invest approximately \$80 billion to make needed updates, repairs, and replacements for wastewater and drinking water infrastructure.<sup>2</sup> These estimates are now over ten-years old and have likely increased since then.<sup>3</sup>

That figure doesn't include other water needs that are encompassed in the Clean Water Infrastructure Act, like funding to preserve land around source water, septic system replacement, and water filtration systems. For example, \$185 million from New York's Water Infrastructure Improvement Act (WIIA) grant program was recently put aside to assist communities with addressing emerging contaminants, like PFOA, PFOS, and 1,4-dioxane.<sup>4</sup> According to the Department of Health (DOH), costs for treating these chemicals can cost as much as \$1.5 billion for PFOA and PFOS, and \$1.1 billion for 1,4-dioxane.

Additionally, the FY2017–2018 state budget included \$20 million for the replacement of lead drinking water service lines. Replacing lead service lines is an important undertaking that will need increased funding to ensure all lead service lines are identified and replaced. The \$20 million allocated in the budget covers the expected estimated cost of replacing about 8,000 lines,<sup>5</sup> or about half the number of lead service connections in Syracuse alone.<sup>6</sup>

The cost to public health if these investments are not made is enormous, which is why it is critical for New York to put funding on pace to catch up with outstanding needs.

#### *Require private well testing*

The governor's proposed budget for SFY 2017-18 contained a proposal for private well testing. Unfortunately, that legislation did not make it into the final budget.

While public water supplies are regularly tested for contaminants, and the results are sent to each ratepayer and made publicly available, private groundwater wells are not held to the same standards. As a result, homebuyers have no assurances of water quality, and the public does not get the full picture of local water quality issues.

The 2016 water quality hearings promised New Yorkers that this key component to protecting drinking water would finally be addressed. The public has the right to know what's in their water and **requiring well testing before the sale of a home is a simple step New York should take this year.**

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<sup>2</sup> Hamilton, Matthew, "New York's water infrastructure needs estimated at \$80B over 20 years," Times Union, February 13, 2017, <https://www.timesunion.com/local/article/New-York-s-water-infrastructure-needs-estimated-10930256.php>

<sup>3</sup> DEC Commissioner Joseph Martens, 2-14-2015: <https://www.youtube.com/watch?v=IDNm9wFfUc>

<sup>4</sup> EFC, Grants for Emerging Contaminants in Drinking Water, <https://www.efc.ny.gov/EmergingContaminants>

<sup>5</sup> Fears, D. and Dennis, B., "One city's solution to drinking water contamination? Get rid of every lead pipe," *Washington Post*, May 10, 2016. [https://www.washingtonpost.com/national/health-science/one-citys-solution-to-drinking-water-contamination-get-rid-of-every-lead-pipe/2016/05/10/480cd842-0814-11e6-bdcb-0133da18418d\\_story.html?utm\\_term=.9baa67f857d0](https://www.washingtonpost.com/national/health-science/one-citys-solution-to-drinking-water-contamination-get-rid-of-every-lead-pipe/2016/05/10/480cd842-0814-11e6-bdcb-0133da18418d_story.html?utm_term=.9baa67f857d0)

<sup>6</sup> Mulder, J., "Syracuse's 15,000 lead pipes pose risk to drinking water," *Syracuse.com*, March 20, 2016. [http://www.syracuse.com/health/index.ssf/2016/03/syracuses\\_15000\\_lead\\_pipes\\_pose\\_risk\\_to\\_drinking\\_water.html](http://www.syracuse.com/health/index.ssf/2016/03/syracuses_15000_lead_pipes_pose_risk_to_drinking_water.html)

A strong model NYPIRG supports is Assemblywoman Jaffee's and Senator Hoylman's "private well testing act."<sup>7</sup>

### *Test and regulate emerging contaminants*

Following joint legislative hearings on water quality in September 2016, in the SFY 2017-18 budget, two critical pieces of legislation were passed to address emerging contaminants in New York. One piece of legislation created New York's Drinking Water Quality Council (DWQC), a body tasked with producing recommendations for regulating emerging contaminants.<sup>8</sup> The second piece creates New York's Emerging Contaminant Monitoring Act, which directs the Department of Health to create a list of unregulated emerging contaminants to be tested in drinking water statewide.<sup>9</sup>

Unfortunately, nearly three years later, DOH has yet to implement the Emerging Contaminant Monitoring Act, which means there are still hundreds of communities that don't know the full extent of what is in their water. **The Department must promulgate an emerging contaminant list as soon as possible and begin immediate testing – they can easily start with the federal emerging contaminant list, UCMR 3.**<sup>10</sup>

Emerging contaminants are unregulated contaminants that EPA believes may have negative health consequences and are suspected to be in drinking water supplies. Through a recent analysis of EPA data, NYPIRG found that **176 water systems, impacting 16 million New Yorkers, detected one or more emerging contaminants.**<sup>11</sup> Every region in New York State has been impacted.

However, this is with limited data. **Approximately 2,075 water systems, serving 2.4 million New Yorkers, have not had any emerging contaminant testing under the most recent federal emerging contaminant testing list.**

This loophole is not news to New York. In 2015, it became public knowledge that the small community in upstate New York, Hoosick Falls, had unsafe levels of the chemical PFOA (perfluorooctanoic acid), exposure to which has been linked to developmental effects to fetuses, thyroid disorders, ulcerative colitis, high-cholesterol, preeclampsia, and kidney and testicular cancer.<sup>12</sup>

Hoosick Falls has a population of approximately 3,500 residents – so it wasn't because of EPA or New York State required testing that Hoosick Falls discovered this chemical, but because of the initiative of a private citizen.

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<sup>7</sup> New York Senate bill, S. 1854, 2019

<sup>8</sup> New York State Public Health Law § 1113

<sup>9</sup> New York State Public Health Law § 1112

<sup>10</sup> EPA, Third Unregulated Contaminant Monitoring Rule, <https://www.epa.gov/dwucmr/third-unregulated-contaminant-monitoring-rule>

<sup>11</sup> Elizabeth Moran, "What's in My Water?", NYPIRG, May, 2019, [https://nypirg.org/pubs/201905/Whats\\_in\\_my\\_water\\_2019.pdf](https://nypirg.org/pubs/201905/Whats_in_my_water_2019.pdf)

<sup>12</sup> Judith Schreiber, "PFOA Exposure and Health Risk Synopsis," February 26, 2018, <https://www.nrdc.org/sites/default/files/pfoa-exposure-health-risk-analysis-20180226.pdf>.

The longer New York goes without statewide emerging contaminant testing, the longer residents remain in the dark about the quality of their water, and the greater the chances residents get exposed to unsafe levels of contaminants. Without this testing, New York is on a path to repeat what happened in Hoosick Falls.

This session, the Legislature should pass S.6625 (Skoufis)/A.7839 (Gottfried). This legislation amends the section 1112 of the public health law to add additional chemicals and contaminants to the list of emerging contaminants. The legislation also directs the Department of Health Commissioner to promulgate the emerging contaminant list 30 days after enactment of the legislation.

The emerging contaminants listed in this legislation are those that have already shown up in larger systems in New York State. On pages 11 and 12, NYPIRG has attached tables from our analysis that show which emerging contaminants have already been detected in drinking water supplies in New York.

Passing this legislation will be critical to ensure New Yorkers are protected from new emerging contaminants.

*Protect wetlands that are one acre in size and larger*

Wetlands provide a wide range of important benefits for humans and wildlife. Wetlands serve as natural filters and sponges, purifying surface waters and recharging our groundwater supplies. But in parts of the state wetlands are disappearing at an alarming rate, due to numerous land use pressures. The loss of wetlands not only destroys important habitat for plants and wildlife, it also jeopardizes our water quality and removes natural flood controls. The destruction of wetlands puts human health and property at risk.

The U.S. Army Corps of Engineers has historically regulated all freshwater wetlands, while the NYS Department of Environmental Conservation (DEC) regulates those of 12.4 acres or larger. In 2015, EPA proposed changes to the definition of the “waters of the U.S.,” or “WOTUS” that would have closed loopholes that prevented certain wetlands, streams, and tributaries from Clean Water Act protections. However, recently the EPA finalized a rulemaking that repeals that definition and limits the scope of WOTUS to only protect wetlands that are adjacent to a major body of water, or ones that are connected to a major waterway by surface water.<sup>13</sup>

This rulemaking puts New York's wetlands at risk. The governor's proposal to expand DEC's jurisdiction over wetlands is an important one. It could be strengthened by guaranteeing wetlands of 1 acre in size, or less, are protected, rather than the 12.4 acres proposed. Such language can be borrowed from Assembly bill A.3658, (Englebright).

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<sup>13</sup> Valerie Volcovici, Timothy Gardner, “Trump administration scales back U.S. water protections,” Reuters, January 23, 2020, <https://www.reuters.com/article/us-usa-environment-water/trump-environmental-agency-to-scale-back-u-s-water-protections-idUSKBN1ZM1OM>

*Make New York's ban on fracking the strongest ban it can be*

In 2015, New York State made the wise decision to ban the dangerous oil and gas drilling practice, high-volume hydraulic fracturing, or “fracking.” In the Department of Health’s Public Health Review of High Volume Hydraulic Fracturing for Shale Gas Development, the Commissioner writes, “Until the science provides sufficient information to determine the level of risk to public health from HVHF to all New Yorkers and whether the risks can be adequately managed, DOH recommends that HVHF should not proceed in NYS.”<sup>14</sup>

This precautionary approach, as climate change has become increasingly harmful and the risks posed by fracking to water quality and health have become abundantly clear, has proven to be instrumental to protecting New Yorkers.

After extensive regulatory review, New York banned fracking – however, a regulatory ban could be overturned by a future administration. **Banning fracking in statute is a common-sense next step for New York State to affirm its decision and ensure future New Yorkers will always be protected from this dangerous practice.**

However, there are some crucial ways the governor’s proposed language can be improved. New York’s fracking ban should:

- Apply to low-volume drilling by changing the volume of fluid used from 300,000 gallons to 80,000 gallons; and,
- Include other fluids besides water that can be used for fracking, such as propane gel.

Such changes would ensure that New York’s fracking ban is the strongest in the country and would solidify New York’s role as a climate leader.

*Ensure fracking waste is subject to hazardous waste regulations*

The Legislature should pass S.3392 (May)/A.2655 (Englebright), which would close a loophole that exempts oil and gas waste from being considered hazardous waste. Most industries are not exempt from hazardous waste regulations – there is no reason to treat the oil and gas industry any differently.

Despite New York’s important ban on high-volume hydraulic fracturing (“fracking”), New York still accepts dangerous oil and gas wastes in its landfills and allows some waste to be used for de-icing or dust suppression on roads. Fracking produces massive quantities of waste, which commonly contains carcinogenic chemicals such as benzene, toluene, and formaldehyde, along with heavy metals and radioactive materials. Additionally, waste from conventional drilling, which still takes place in New York State, often has the same dangerous constituents as fracking waste.<sup>15</sup>

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<sup>14</sup> DOH, “Public Health Review of High Volume Hydraulic Fracturing for Shale Gas Development, December 2014, [https://www.health.ny.gov/press/reports/docs/high\\_volume\\_hydraulic\\_fracturing.pdf](https://www.health.ny.gov/press/reports/docs/high_volume_hydraulic_fracturing.pdf)

<sup>15</sup> Moran, Elizabeth, “License to Dump,” Environmental Advocates of New York, February 2015, <http://eany.org/our-work/reports/license-dump-february-2015>

Fracking and drilling waste from states like Pennsylvania is shipped to New York, where it is dumped into landfills. From there, leachate from the landfills can contaminate rivers and streams, some of which serve as sources of drinking water. In fact, since 2010, over 650,000 tons and 23,000 barrels of oil and gas waste has been disposed of in New York landfills from Pennsylvania's drilling operations.<sup>16</sup>

New York's Department of Environmental Conservation (DEC) recently revised the state's solid waste regulations; however, the changes do not, and cannot, ensure that this waste is safe for disposal in solid waste facilities. DEC sought to address concerns raised by banning certain types of oil and gas waste, like flowback fluid and brine from the Marcellus shale region, from landfill disposal. However, without required testing of the waste before disposal, there is no way to ensure this waste still isn't making its way to New York's landfills. In fact, according to reporting from Pennsylvania, prohibited waste types are still coming into the state.<sup>17</sup>

Closing the hazardous waste loophole is the only way to ensure dangerous fracking waste isn't making its way into New York's borders, and is one of the last steps needed to fully protect New Yorkers from the risks of fracking.

### *Ban Polystyrene*

NYPIRG strongly supports the Governor's proposed ban on polystyrene food containers and loose-fill packaging, known as packing peanuts. This legislation could be strengthened by tightening the enactment timeline from 2022 to 2021 and should also apply to rigid polystyrene, which, like expanded polystyrene, also doesn't have a recycling market.

Polystyrene, more commonly known as Styrofoam, has become ubiquitous alongside, and in, waterways due to its very nature – it is lightweight and it floats. When it is littered, it is easily carried from streets and through storm drains leading to rivers and, ultimately, lakes and oceans.

According to the Ocean Conservancy, during their 2017 coastal cleanup, foam takeout containers were the 10th most frequently found item. During Hudson Riverkeeper's 2018 Sweep, foam pieces were the second most frequently found item, with foam cups and plates, and foam takeout containers also taking 7th and 9th place respectively.

Once in the environment, polystyrene, like other plastics, likely lasts forever. They break down into smaller and smaller pieces, leading wildlife to mistake polystyrene for food. Additionally, polystyrene cannot be recycled by most municipalities – to recycle polystyrene, it must be sent to a limited number of companies – making it too costly for most municipalities to do so. Additionally, when people place foam containers in recycling bins, the lightweight nature often leads to litter, and the containers add bulk to the bins, making recycling more difficult for municipalities. The easier, and more cost-effective option, is to eliminate single-use polystyrene containers – as New York City, Albany and Suffolk Counties have done.

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<sup>16</sup> Troutman, Melissa, "New York Frack Waste Report," Earthworks, July 2019, page 10, <https://earthworks.org/publications/new-york-waste-report/>

<sup>17</sup> Ibid.

Not only is polystyrene wreaking havoc on our public spaces – it’s also a threat to public health. Polystyrene threatens public health throughout its entire life cycle. Polystyrene is made using styrene, a known animal carcinogen and possible human carcinogen and neurotoxin. Additionally, over 50 byproducts made during the manufacturing process contaminate air and water, leading to ozone depletion, and when polystyrene is incinerated for disposal, it releases styrene gas into the air.

### *Expand New York’s Bottle Deposit Law*

Expanding New York’s Bottle Deposit Law, commonly known as “the Bottle Bill,” is a key solution to New York’s, and the country’s, current recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting plastic waste imports in January 2018.<sup>18</sup> This has caused global shockwaves and significant strains on municipal recycling programs in the U.S. NYPIRG recommends the following for an expansion of the Bottle Bill:

1. Add a deposit fee to most beverage containers, including: wine, liquor, cider, sports drinks, juices, coffee beverages, iced tea, and other non-carbonated beverages. More containers with deposits will incentivize consumers to recycle these containers, making them less likely to be littered or take up rapidly disappearing landfill space.
2. Increase the deposit from 5-cents to 10-cents. States with higher deposit fees have higher redemption rates than states with a five (5¢) cent fee. In Michigan the deposit fee is ten (10¢) cents, and the redemption rate in 2016 was 92.2%. Vermont has a fifteen (15¢) cent fee on liquor bottles and the redemption rate for liquor containers in 2017 was 84%. The data shows that increasing the deposit fee increases the incentive for recycling. A ten (10¢) cent deposit fee would ensure that even more beverage containers get recycled in New York State.
3. Increase the percent requirement for recycled content in new plastic and glass beverage containers. This will strengthen the market for recycled content.
4. A portion of the unclaimed deposits should be given to maintain municipal recycling programs.

Enacted in 1982, the New York State Returnable Container Act, commonly known as the Bottle Bill, requires a 5-cent refundable deposit to be placed on eligible beverage containers. The program originally covered beer and soda sold in New York and was later expanded to include wine coolers. The law requires retailers who sell covered beverages to accept any empty containers back of products that they sell and refund the deposits. The law also requires beverage distributors to compensate retailers for the cost of collecting and recycling empty containers by paying them a small handling fee per container. In 2009, the law was expanded to include bottled water, and the handling fee was increased from 2 cents, which it had been set at since 1997, to 3.5 cents.

Over its 30-year history, New York’s Bottle Bill has proven to be a highly effective means of diverting these containers from the waste stream, significantly reducing litter and increasing recycling rates. This program is recognized as New York’s most effective litter-reduction

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<sup>18</sup> Watson, Sara, “China Has Refused To Recycle The West’s Plastics. What Now?,” *NPR*, June 28, 2018, <https://www.npr.org/sections/goatsandsoda/2018/06/28/623972937/china-has-refused-to-recycle-the-wests-plastics-what-now>.



measure. In 2017, New York's redemption rate was at 65%.<sup>19</sup> According to DEC, the bottle bill reduces roadside container litter by 70%, and in 2016, 5.1 billion containers were recycled.<sup>20</sup>

Expanding the Bottle Bill to include plastic containers is urgently needed to reduce plastic pollution littering New York's waters and beaches. During Riverkeeper's 2018 Hudson River Sweep, plastic beverage bottles were the third largest type of litter found. The 2018 New York State Beach Cleanup, which had cleanup sites from the shores of Lakes Erie and Ontario to the shores off Long Island, found plastic bottles as the 7th largest type of litter cleaned up – 13,072 plastic bottles were collected.

Additionally, states with bottle deposit laws have far better recycling rates than non-deposit states. According to the Container Recycling Institute, states with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.

Not only would the expansion of the state Bottle Bill increase recycling rates and make New York's environment and communities cleaner, it would also help municipal recycling programs that are currently facing a recycling crisis. China, which had been accepting massive amounts of plastic waste, stopped accepting contaminated plastic waste imports in January 2018, creating a standard many municipal recycling programs cannot meet.

Municipal recycling programs are particularly struggling with glass contaminating their recycling streams. When glass breaks in curbside containers it contaminates other materials, making it far more difficult to recycle and sell. The expansion of the Bottle Bill to include wine, spirits, and hard cider would take a significant amount of the containers that municipal recycling programs are struggling with out of curbside recycling containers. Additionally, municipalities would save money from the costs of litter clean-ups and transportation costs associated with recycling.

Other states with bottle deposit programs have already moved forward with the recommended policies above. Maine's Bottle Deposit Law includes all containers covered in New York's existing Bottle Bill, plus wine, spirits, hard cider and most non-carbonated beverages. Maine has a 5-cent deposit for all beverages, except wine and liquor, which have a 15-cent deposit. Maine's redemption rate in 2017 was 84%. Other states with Bottle Deposit Laws that include non-carbonated beverages include: California, Hawaii, and Oregon. Oregon, in 2017, raised its deposit fee from 5-cents to 10-cents, which led to the state reaching a 90% redemption rate.<sup>21</sup>

It has been ten years since the bottle bill was last expanded – it's time to finish the job and ensure most containers are included. This step will reduce consumer confusion about what can be recycled, ease municipal burdens, and keep communities cleaner.

### *Enact "Fair Repair" Legislation to Reduce Electronic Waste*

Manufacturers of ubiquitous electronic products like cell phones, computers, tablets and digital audio systems refuse to share diagnostic information or replacement parts. As a result, consumers spend more time and pay more money to repair fixable items and generate an enormous amount

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<sup>19</sup> Container Recycling Institute, Bottle Bills in the USA: New York, <http://www.bottlebill.org/legislation/usa/newyork.htm>.

<sup>20</sup> DEC, New York's Bottle Bill, <http://www.dec.ny.gov/chemical/8500.html>.

<sup>21</sup> Profita, Cassandra, "Oregon Bottle Deposit System Hits 90 Percent Redemption Rate," OPB, January 18<sup>th</sup>, 2019, <https://www.opb.org/news/article/oregon-bottle-deposit-redemption-rate-2018/>.

of electronic waste as items are discarded instead of being fixed cheaply and locally. Fair Repair legislation addresses these consumer and environmental problems by making information and parts accessible to do-it-yourselfers and small repair shops.

In light of China's refusal to accept electronic waste from the U.S. (in addition to other wastes), the U.S. must look to strategies to preserve finite natural resources and eliminate the volume of waste that is sent to landfills, incinerators and recycling facilities.

Cell phones, for example, are only a small part of the overall need of repair of personal electronics. A growing trend is seen in the design of electronics across all industries that make devices difficult or nearly impossible to repair.<sup>22</sup> Fair Repair would allow consumers and independent repair shops access to diagnostic equipment and parts so they can extend the life of electronics and puts less strain on wallets. Importantly, repairing electronic devices will protect the environment by reducing e-waste: New Yorkers throw away over 23,600 cell phones every day.<sup>23</sup> Fixing electronic products instead of tossing them furthers the state's policy of reducing the flow of all electronic devices into the waste stream.

#### *Grow the Environmental Protection Fund*

NYPIRG encourages the Governor and the Legislature to come together to bolster the Environmental Protection Fund (EPF) with an additional \$50 million in funding. The EPF has been kept level at \$300 million for a number of years, but environmental needs have only continued to grow. EPF provides funding for numerous initiatives that are critical for protecting water quality, combating climate change, and keeping New York's public spaces clean. Additionally, EPF benefits every county of New York State, and supports over 350,000 jobs across a variety of sectors.<sup>24</sup> A path to increase funding for EPF is long overdue.

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Thank you for the opportunity to testify today. NYPIRG looks forward to working with the Legislature to ensure New York's SFY 2020-2021 budget protects the environment for all New Yorkers.

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<sup>22</sup> Carlozo, Lou. "These Are the 5 Toughest Electronics to Repair." Dealnews. July 14, 2015. Accessed March 16, 2018. <https://www.dealnews.com/features/These-10-Electronic-Devices-Are-Almost-Impossible-to-Repair/795102.html>.

<sup>23</sup> Proctor, Nathan. "Recharge Repair." February 1, 2018. Accessed March 20, 2018. <https://drive.google.com/file/d/1-CL43uUqsXq4O2OnvbuMSGDCnwALev8c/view>.

<sup>24</sup> We Love New York, "The Environmental Protection Fund Works," <http://www.keepprotectingny.com/>

**Table 1: UCMR-3 Data by Region – number of water systems with detections**

Contaminant	Capital Region	Central	Hudson Valley	Long Island	North Country	NYC	Southern Tier	Western
1,1-dichloroethane	0	0	1	25	0	0	1	1
1,2,3-trichloropropane	0	0	0	10	0	0	0	0
1,4-dioxane	1	1	5	34	0	1	4	2
4-androstene-3,17-dione	0	2	0	0	2	0	0	2
aerobic spores	0	0	1	0	0	0	0	0
bromomethane	2	0	0	1	0	0	0	0
chlorate	16	14	37	36	6	1	11	14
chloromethane	3	0	0	1	0	0	0	1
chromium	14	14	31	35	5	1	9	24
chromium-6	18	17	42	36	8	1	11	30
cobalt	0	0	1	22	0	0	1	0
HCFC-22	2	0	1	13	0	0	1	0
manganese	2	3	13	2	2	0	1	5
molybdenum	3	7	7	4	4	0	0	24
n-propylbenzene	0	0	0	0	1	0	0	0
PFHpA	0	0	2	1	1	0	0	0
PFHxS	0	0	2	1	1	0	0	0
PFNA	0	0	0	1	0	0	0	0
PFOA	0	0	2	3	1	0	0	0
PFOS	0	0	2	2	0	0	0	0
strontium	18	17	46	37	8	1	11	32
testosterone	1	1	0	0	1	0	0	2
Vanadium	16	12	14	25	6	0	2	17

**Table 2: UCMR-3 Statewide Data**

CONTAMINANT	DETECTIONS	SYSTEMS	POPULATION	HIGHEST LEVEL DETECTED (ppb)	EPA HEALTH GUIDANCE (ppb)
1,1-dichloroethane	283	28	2,337,238	4.09	6.14 to 614
1,2,3-trichloropropane	57	10	1,559,592	1.02	0.0004 to 0.04
1,4-dioxane	516	49	11,595,918	34	0.35 to 35
4-androstene-3,17-dione	8	6	501,411	0.0041	NA
aerobic spores	1	1	25	1	NA
bromomethane	7	4	326,885	0.92	140

chlorate	1,844	135	14,984,975	1223.85	210
chloromethane	9	5	340,135	1.92	2.69 to 69
chromium	1,428	134	14,755,552	31	100
chromium-6	2,205	163	15,878,647	7.3	NA
cobalt	180	24	2,390,599	84	70
HCFC-22	54	17	2,149,497	5	NA
manganese	148	27	88,227	160	NA
molybdenum	297	49	3,961,659	25.42	40
n-propylbenzene	1	1	600	0.06	NA
PFHpA	12	4	1,192,000	0.082	NA
PFHxS	13	4	1,192,000	0.14	NA
PFNA	1	1	120,000	0.032	NA
PFOA	12	6	337,500	0.048	0.07
PFOS	13	4	1,170,500	0.53	0.07
strontium	2,653	170	15,966,772	2660	1500
testosterone	6	5	228,091	0.0022	NA
vanadium	707	92	5,277,408	6.97	21
1,3-butadiene	0	0	0	0	.0103 to 1.03
17-alpha-ethynylestradiol	0	0	0	0	0.035
17-beta-estradiol	0	0	0	0	.0009 to .09
enteroviruses (cell culture)	0	0	0	0	NA
enteroviruses (RT-qPCR)	0	0	0	0	NA
equilin	0	0	0	0	0.35
estriol	0	0	0	0	0.35
estrone	0	0	0	0	0.35
halon 1011	0	0	0	0	90
male specific phage	0	0	0	0	NA
noroviruses GIA	0	0	0	0	NA
noroviruses GIB	0	0	0	0	NA
noroviruses GII	0	0	0	0	NA
PFBS	0	0	0	0	NA
tellurium	0	0	0	0	NA
total coliforms	0	0	0	0	NA