



## Founders

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February 10, 2023

## Written Testimony Budget Hearing On Environmental Conservation

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My name is Sonal Jessel, and I'm the Director of Policy at WE ACT for Environmental Justice. Over the past 35 years, WE ACT has been combating environmental racism through community organizing in Northern Manhattan, and policy advocacy at the City, State and National Levels. We are a prominent leader in the national environmental justice movement as the co-chair of the White House Environmental Justice Advisory Council. I have received my master's in public health from Columbia University, with a concentration on climate change and population health.

As a member of the CLCPA's Climate Justice Working Group tasked with defining "disadvantaged communities," I am deeply invested in ensuring spending and benefits go to the communities that have been hit hardest by climate and environmental injustice and environmental racism. WE ACT is chiefly focused on implementing the goals of the CLCPA scoping plan to ensure frontline communities are protected and receive their fair share of investments. I am testifying to point out some important points for funding:

### Getting Rid of "Forever Chemicals"

First, we applaud the Governor's commitment to cleaning up PFAS contamination to prevent future problems. However, we must turn off the tap. We urge legislature to enact bans on PFAS in common products, and to further limit releases of this and other toxic chemicals into our environment. The Just Green Partnership, a coalition of over 50 organizations, has been advocating for bold action against PFAS. PFAS is a known toxic chemical that leads to cancer and reproductive issues. The Budget provides \$10 million (\$2 million per year) for the creation of a new program under the Department of Health which will assist small and underserved communities by supporting laboratory testing of municipal water samples for emerging contaminants and per- and polyfluoroalkyl substances (PFAS) chemicals. However, this funding is not nearly enough. Estimates find that ridding PFAS from our environment is about a trillion dollar issue in New York State. **To address this widespread issue, we are urging the legislature to \$25M to assist local municipalities and water systems to test and address PFAS.**

### Staffing the Department of Environmental Conservation's Pollution Prevention Institute

Secondly, there is a significant need to increase staffing in the Department of Environmental Conservation (DEC). In particular, the Pollution Prevention Institute



(NYSP2I) within the Division of Materials Management is vitally important because this unit is responsible for setting all regulations and managing enforcement for toxic chemicals. A few years ago, the State passed the Child Safe Products Act to take many toxic chemicals out of children’s products and toys. There is also legislation to regulate toxic chemicals in menstrual products, to ban flame retardants in household items, and to regulate mercury in cosmetics. All this work is important to protecting people from cancer-causing and endocrine-disrupting toxic chemicals. Currently, Governor Hochul allocated \$4.25M and \$4.6M for 2023 and 2024 for the NYSP2I. **The Just Green Partnership asks for \$7.5M for the NYS Pollution Prevention Institute (NYSP2I) each year.** The budget proposal also outlines 231 new positions across the agency, but no commitment for NYSP2I specifically. There used to be 35 positions in the unit, but now there are only 7. **We urge the legislature to specifically fund more staff for NYSP2I.**

### **Maintain the Environmental Protection Fund’s Environmental Justice Lines**

Furthermore, we are glad to see the Governor’s budget includes \$400 million for the Environmental Protection Fund (EPF) and **we support the maintenance of the EPF in the legislature’s budget proposals.** Particularly, **we strongly support specific allocations for environmental justice** to ensure that disadvantaged communities are continuing to see environmental improvements.

The State has laid out ambitious goals to reduce greenhouse gas emissions and co-pollutants economywide by 2050. 2023 is a critical year to implement this plan both because the Scoping Plan calls for specific actions to be done now, and because we have an unprecedented financial opportunity thanks to the Biden Administration’s Inflation Reduction Act (IRA). There are many critical steps we must take in the State budget to move forward this year.

### **Fund Shovel-Ready Projects for the Utility Thermal Energy Networks and Jobs Act**

[Upgrade NY](#) is a collaboration of unions, climate justice advocates, building industry representatives and environmental groups calling for New York to decarbonize State-owned campuses and facilities through a local, union-led workforce. We urge you to support good jobs, clean air, and climate justice through union-led building decarbonization. While most large projects to address climate change are years out, we urge funding projects with labor standards and supporting workforce development, immediately.

**We urge the Assembly and the Senate to include in their one house budget bills a mandate to create a long term program to fully decarbonize and achieve zero onsite emissions for [New York State-owned campuses and facilities](#) by 2040 and a specific requirement that 15 of the highest-emitting campuses and facilities**



**in the state portfolio begin the work necessary to ensure shovel ready projects by 2025.**

We urge specific shovel-ready project investments of \$115 million in the 2023-24 budget including:

- \$75 million, which includes \$5 million each for 15 campuses and facilities to choose the best option for decarbonization that is most technically appropriate for the site and to begin detailed engineering designs to get to shovel ready
- \$9.5 million funding to prepare for electrification, including weatherization.
- \$30 million to fund work on decarbonization projects in State-owned campuses and facilities that are already shovel ready, such as chillers for zero-emission air conditioning.
- Funding for pre-apprenticeship programs, which includes \$500,000 to the Workforce Development Institute's Statewide Pre-Apprenticeship Program. These programs can support residents of disadvantaged communities who want to join the union workforce.

### **Improve the Build Public Renewables Budget Proposal**

The governor opened the door to building public renewable projects through the New York Power Authority (NYPA), but we urge the governor and the legislature to strengthen this proposal. As members of the Public Power Coalition and the Energy Democracy Alliance (EDA), we urge the legislature to enact a stronger public renewables proposal that includes labor protections and good wages, particularly to include the Build Public Renewables Act in the budget. As the Public Power Coalition states:

“The Build Public Renewables Act will enable New York to lead the way to clean air, green union jobs, affordable energy bills, and a secure, livable future we’d be proud to pass down to our children. Governor Hochul’s budget proposal takes tentative steps in the right direction, but New Yorkers deserve to go all the way. **Workers in the clean energy sector deserve prevailing wages, project labor agreements, and a true just transition and training funds.** The BPRM mandates this, which is why Pat Guidice, the chair of the IBEW Utility Labor Council, called the bill’s labor provisions “exceptional labor language” that they had “never seen anything like it...before in any legislation.” His only fear was that it was “too good, and would be watered down.” This version the Governor proposed does just that. Furthermore, the Governor’s proposal omits nearly all of the democratization elements found in BPRM. NYPA’s resources must be used to build as much renewable energy as it takes to protect our climate and safeguard our future, especially for disadvantaged communities on the frontlines of pollution and the climate crisis. This means **ensuring a true mandate for NYPA to actually build renewables when the state is falling behind, not just reviewing our lack of progress and shutting down peaker plants by 2035 when the original Build Public Renewables Act called for their closure by 2030.** Hochul’s team has



indicated that this proposal is only the beginning of developing this policy, and we look forward to working with the legislature and Governor to ensure we fulfill the promise of the Build Public Renewables Act in the final budget.”

### **Include The NY Heat Act and All-Electric Building Act to Help Buildings Move Away from Polluting Fossil Fuels**

Governor Hochul committed to clean, affordable, climate-friendly all-electric buildings in her budget and supported the transition to electrify buildings and move away from fossil fuel appliances. To successfully do this work, we must detangle our public service commission from requirements to use fossil fuels. **We urge the legislature to include The New York HEAT Act in the budget**, which allows the state to transition off fossil fuels in buildings by stopping the installation of gas hook ups, while ensuring no one pays more than 6% of their total income on utility bills and that all homes will always maintain access to heating and cooling. **We also urge the legislature to include the All-Electric Building Act in the budget.**

### **Help Low-Income Homes Access Funding for Retrofits And Energy Efficiency**

Last week, WE ACT for Environmental Justice released the results of our pilot program called Out of Gas, In with Justice to demonstrate the feasibility and benefits of transitioning from fossil fuels to renewable energy in affordable housing. During WE ACT’s 10-month air quality monitoring period, we found:

- Households with induction stoves experienced a 35 percent reduction in daily nitrogen dioxide (NO<sub>2</sub>) concentrations compared to those using gas stoves, when controlling for temperature and apartment-level factors.
- 24-hour averages of carbon monoxide (CO) for households with gas stoves reached concentrations of 1.4 ppm whereas households with induction stoves had a 24-hour average of 0.8 ppm, a significant decrease.
- When cooking a standardized meal for the controlled cook test on both a gas and induction stove in the NYCHA development, NO<sub>2</sub> concentrations in kitchens with gas stoves were on average 190 percent higher than in kitchens with induction stoves,
- During focus groups with pilot participants, we found that participants unanimously loved their new induction stoves due to reasons like the ease of cooking, the time savings because the induction stove cooks faster and is easier to clean, the decreased reliance on other appliances, and the fact that the induction stove creates a safer cooking environment.

• An important other finding of the study is that there will still NO<sub>2</sub> levels detected in apartments after the gas stoves were removed. The NO<sub>2</sub> sources include other apartments’ gas stoves and the building’s boiler. This important finding points to the need for clean energy programs to focus on holistic, whole-housing improvements.



Existing programs are siloed to address one specific piece of the electrification puzzle without offering flexibility to participating households. As a result, households with health and safety issues (the prevalence of toxins like mold, lead, asbestos and pests) will typically get denied access to necessary weatherization upgrades and deep energy retrofits with little to no guidance on resources to remediate the issues. It is more likely for a low-income household or household of color to experience these poor housing conditions, thus barring them from necessary upgrades. Programs that address household interventions more holistically will improve their ability to equitably serve all their residents. A whole-home retrofit typically includes four basic services: health and safety upgrades, weatherization and energy efficiency improvements, appliance electrification, and energy cost assistance. In combination, this type of intervention addresses all possible existing conditions that make homes unhealthy. States must create and fund complementary pre-weatherization programs that can act as an automatic referral when a household does not meet health and safety standards for existing weatherization programs.

Current weatherization and electrification programs must also expand the scope of their work to streamline access to benefits and increase participation in whole-home electrification. To reach deeper levels of affordability, programs need to provide tiered financial assistance for both hard and soft costs based on building size and income. Small building owners have frequently identified lack of support for soft costs, like engineering, as a barrier to participation in existing retrofit programs. Existing programs that attempt to make household electrification cost-effective need to re-evaluate their structure to ensure they go far enough to support multifamily building owners, especially those that are low-income or neighborhoods of color.

To take immediate steps on providing holistic energy reduction programs for low-income households, we urge the legislature **to include the Energy Efficiency, Equity, and Jobs Act in the budget** to allow the New York State Energy & Research Development Authority (NYSERDA) to have their energy efficiency programs address environmental hazards like lead, mold, and asbestos in homes before installing energy efficiency upgrades. The legislation also requires tracking of clean energy jobs for disadvantaged communities (DACs). Currently, only about one-quarter of all energy efficiency funding from NYSERDA has gone to low-income households. In the context of the CLCPA, 35-40 percent of these programs must go to DACs.

To further this goal, also need to take advantage of the IRA funding opportunity. With the IRA, we urge the legislature to include **a \$2 billion Green Affordable Pre-Electrification (GAP) Fund**, which would address barriers to electrification that are not covered by other programs, such as hazard remediation, electrical upgrades, weatherization, energy efficiency, and an all-electric replacement for



fossil fuel appliances at the end of their useful life. There is \$4.5 billion for state energy agencies to do building energy efficiency work in middle and low-income homes, and \$4.3 billion in a rebate program for the same objective.

Lastly, we must also improve the EmPower Plus Program to cover induction stoves for low-income households. We applaud the governor for increasing funding for this program, which will help low-income households retrofit their homes. We strongly encourage the governor and legislature to include additional funding to low-moderate income households to provide pathways to electrification. **We urge the legislature to expand EmPower's services to include the replacement of inefficient gas stoves with highly efficient induction stoves and induction ready cookware for households that have the infrastructure to support them.**

All in all, all of the energy programs must include Project Labor Agreements and a commitment to build the workforce necessary for success.

#### **Expand the Home Energy Assistance Program (HEAP) for Extreme Heat**

New York State needs to expand LIHEAP to supplement utility bills for cooling costs in the summer months, especially as the intensity of extreme heat events increase and exacerbate negative health outcomes in low-income communities and communities of color in particular. The Biden Administration has allocated a historic amount of funding to the Home Energy Assistance Program (HEAP) through HHS. There is \$6.5 billion in funds, which is \$2.2 billion more than previous years. **The legislature must direct OTDA to increase the funding pot for the Cooling Assistance Program which is currently only 4% of the State's HEAP budget.** As the Governor seeks to realize her goal of capping the energy burden at 6%, helping low-income residents shoulder the cost of extremely high electricity bills is important. Several other states currently use HEAP funding for this purpose. California offers between \$200 and 800 to customers in assistance based on need and **New Jersey gives a flat \$300 benefit.**

#### **Defining Benefits & Investing Equitably and Justice40 from the IRA**

When it comes to all funding sources, we must ensure that we are allocating a minimum of 35-40% of investments in DACs. It is vital we view this allocation as a minimum. We also must ensure we are tracking the investments adequately. Lastly, we should not forget the Justice40 federal program, which is modeled after the CLCPA, directs 40% of all funds to environmental justice communities. Unprecedented federal funding offers an unparalleled opportunity to address the climate crisis while centering communities of color and low-income through Justice40. In the context of Justice40, IRA funding must be directed to DACs.

#### **Cap and Invest Program**



The proposed program has the potential to generate significant revenue for climate interventions. As an environmental justice community-based organization, we have deep concern that the emissions reductions benefits will not benefit the communities we represent. **To have a safe program, there must be strong guardrails to ensure the program does not simply become a money-making scheme but leads to local pollution reductions.** For example, the price of carbon must be steep. Secondly, there must be an adopted plan for the profit to go to climate interventions in DACs.

### **NY Renews Climate and Community Protection Fund**

We urge the legislature **to include the New York Renews Climate and Community Protection Fund to give \$10 billion in funding for climate initiatives.** Importantly, the Climate and Community Protection Fund can be a targeted pathway to ensuring the Cap and Invest program uses its funding in a targeted way. As part of this spending proposal, **we urge the legislature to include the legislation to end Fossil Fuel Subsidies** to save the taxpayers over \$330 million that can be redirected to climate programs.

### **Transform the Capitol and Plaza**

We urge the legislature to include \$1.5 million for a study to transform the Capitol and Plaza to renewables. As Sheridan Hollow Alliance for Renewable Energy says “Currently, the New York State Capitol and Empire State Plaza, the very buildings that house our state government, are heated, and cooled by the burning of fossil fuels in the environmental justice community of Sheridan Hollow just blocks from the Capitol. **The legislature must include a \$1.5 million dollar appropriation in the budget this year to develop a plan on how to transition the New York State Capitol and Empire State Plaza to renewables and must pass the Renewable Capitol Act** to require that that plan be completed within three years.

Thank you,

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