Environmental Advocates of New York’s SFY 2020-21 Budget Priorities

Critical Budget Inclusions to Ensure Protection of Public Health and the Environment

- **Environmental Protection Fund.** It is essential the budget include the proposed level of funding of $300 million dollars to the Environmental Protection Fund (EPF) to continue the state's long-standing commitment to safeguard our environment, to improve public health and to create more vibrant communities. We also strongly request that the Legislature reject the Executive’s proposal to allow the EPF to cover personnel services and reject the diversion of $5 million in clean energy funds from the Regional Greenhouse Gas Initiative (RGGI) to the EPF.

- **Invest $1 billion in new funding in the Clean Water Infrastructure Act.** Clean Water Infrastructure Act (CWIA) funding has been hugely successful at jump-starting water infrastructure improvements throughout the state, but a backlog of shovel-ready projects remains. In 2019, the Governor promised to invest an additional $2.5 billion in the CWIA to build on the program’s accomplishments. A $1 billion investment in this year’s budget, supported by a broad coalition of environmental groups, water suppliers, and labor organizations, will help clear the backlog of already-identified projects, put people to work and help communities respond to new threats from emerging contaminants and lead service lines.

- **Environmental Bond Act.** EANY and a large and diverse community of stakeholders are fully supportive of an environmental bond act. Through the course of our advocacy with a coalition of over 100 organizations, a couple points have been unanimous - specificity on programmatic categories and ensuring that disadvantaged communities (such as those identified as part of the implementation of the Climate Leadership and Community Protection Act) are prioritized for support. We believe the Legislature has what is needed to provide more specificity on the bond act. We strongly encourage the inclusion of the environmental bond act in the final state budget.

Important Policy Inclusions that Can Be Achieved in an Expedited Budget

- **Ban on Polystyrene Containers and Packaging.** While this may not be considered essential to the budget, the Governor’s proposal is supported by EANY and the environmental community. The policy put forth in the Executive budget is also not substantially different from legislative proposals that have been advanced previously. Given the uncertainty of the coming months in advancing environmental policy, we support including a ban on polystyrene as an easy win for advancing important measures to address the plastic pollution crisis.

- **Fracking Ban.** We ask that the existing legislation to ban fracking (S.6906/A.9678) be included in the final budget. The Governor and Legislature appear closely aligned on the need to codify the
state’s current regulatory ban. The final budget language should include a prohibition on fracking utilizing gelled propane or liquified petroleum gas.

- **Protect Wetlands.** We fully support the Governor’s proposal to change the purpose of the DEC wetlands maps to an educational one, no longer for the purpose of determining if a wetlands permit is required, and we urge the Senate and the Assembly to maintain this language in the final budget proposal. The Senate and the Assembly should include the most stringent and uniform protections possible for all wetlands over the threshold of 12.4 or greater, maintaining existing buffer and permit protections for those wetlands. For wetlands smaller than 12.4 acres, we support protections based on ‘unusual importance’ or for wetlands containing critical values related to protecting habitat, water supplies, water quality, and climate resiliency.

- **Large Scale Renewable Energy Development:** In order to meet the renewable energy targets established by the Climate Leadership and Community Protection Act, the state must implement measures to expedite the siting and development of large-scale renewable energy facilities. We are encouraged by the reforms to the renewable siting process proposed by the Governor in the Accelerated Renewable Energy Growth and Community Benefit Act and urge the Legislature to work with the Governor to improve upon many of the concepts in the proposal. A final bill should ensure the Department of Environmental Conservation has a meaningful oversight role in the siting process, including the development of any uniform standards and any site-specific permit terms and conditions. Proposals to develop former commercial and industrial sites, brownfields, and abandoned sites should include intervenor funds and other resources for both local governments and the people living in the adjacent communities to ensure meaningful participation in the siting process.

- **Extended Producer Responsibility (EPR) Program for Carpet Waste.** EANY strongly supports the inclusion of an EPR program for carpet waste in the final budget. Since the inclusion of carpet EPR in the executive budget, the recycling community and EANY have come together and presented to the legislature and Governor’s office a path forward for carpet EPR in the state. Such a proposal would bring new jobs and green infrastructure to New York and help address the solid waste crisis that continues to accelerate and burden New York municipalities.

**Desirable Budget Inclusions for a Advancing Cleaner Environment**

- **$1 billion climate fund.** To build the infrastructure necessary for the clean energy economy, enhance access to clean transportation, and deliver resources to help communities and the state’s workforce transition off fossil fuels. While substantial and important, we cannot afford to rely solely on the state’s existing off-budget clean energy commitments to reach our goals. Ensuring a just and equitable transition off fossil fuels begins with aligning the state budget with our climate priorities and a $1 billion capital investment is a necessary first step as the state ramps up to a funding level that truly matches the urgency of the climate crisis.

- **Secure clean energy funds.** The Senate and the Assembly should reject the proposed transfer of $23 million in RGGI funds to the General Fund. The final budget agreement should also include a directive to NYSERDA to affirm the commitment made by president Alicia Barton before the fiscal committees, to amend its RGGI regulations to align with the goals and mandates of the CLCPA (see testimony at [https://www.youtube.com/watch?v=BeexUs8LY8](https://www.youtube.com/watch?v=BeexUs8LY8)). According to her testimony, the new regulation will assure that at least 35% of RGGI auction revenues are prioritized for frontline environmental justice communities.