LEAGUE OF CONSERVATION VOTERS NYLCV

2016 Congressional Questionnaire

On behalf of the Board of Directors and members of the League of Conservation Voters and the New York League of Conservation Voters, thank you for taking the time to fill out the 2016 LCV/NYLCV Congressional Questionnaire.

This questionnaire is designed to elicit your views regarding what environmental and conservation groups consider the most important national issues of the day. Questionnaire responses, past environmental records, and candidate viability will all be taken into strong consideration regarding potential endorsement by LCV Action Fund/NYLCV.

Responses should be considered public. Although we may choose not to publicize responses to every question, verbatim responses may be reproduced and distributed publicly. If so, your responses may be shortened, if necessary, but will not be edited in substantive ways. If you choose to refer us to a position paper or website, please indicate exactly what text you would like us to cite. For candidates choosing not to respond to the questionnaire, we may note as much in its public materials.

LCV/NYLCV and its partners in the environmental policy arena believe that American voters are determined to make the environment a voting issue in 2016. Candidate positions on issues such as protecting public health, building a clean energy future, and addressing dangerous climate change will help voters decide how to cast their ballots this election cycle.

After receipt of your completed questionnaire, you may be invited to participate in a formal interview with our Chapter Board. The interview will provide you with an opportunity to present your credentials, elaborate on your questionnaire responses, and respond to questions. Here are a few more guidelines:

☑ Questionnaires are due Friday, February 26, 2016

☑ The completed questionnaire is mandatory for endorsement consideration and must be submitted via e-mail as a Microsoft Word file to: politics@nylcv.org and political@lcv.org

☑ Questions or extension requests may be directed to Joshua Klainberg (jklainberg@nylcv.org)

Good luck on your campaign.

Gene Karpinski
President

Marcia Bystryn
NYLCV President

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GENERAL

Q.1 - Endorsement: Do you want an LCV endorsement and how would you use it?

Yes: X **No:** **Explanation:**

I am grateful for your consideration, I am proud to have earned a 97% score on LCV's National Environmental Scorecard over the course of my first year in office, and I would be honored to run for reelection with the LCV's continued support. First and foremost, I would use LCV's endorsement to engage with your members in my district and on Long Island, to continue strengthening our relationships and drawing on their input and expertise on Long Island's most pressing environmental issues. I would also use LCV's endorsement to make environmental issues a focal point of our campaign, as I did when I first sought election in 2014, with a particular emphasis on the economic opportunities that we can create on Long Island by investing in clean energy sources, and on the importance of recognizing that climate change is a major threat to our national security as well as to our environment. I have tremendous respect for your organization and your members, and I am eager to continue working with you to break through the endless partisan debate and move forward with real solutions to the environmental challenges that threaten our communities on Long Island.

COMBATING CLIMATE CHANGE & PROMOTING CLEAN ENERGY

Q.2 – Climate Change – Executive Action: Climate change is the most pressing environmental challenge facing our planet. Communities are already experiencing the impacts of climate change in the U.S. and across the globe. Severe droughts, more powerful storms, flooding, and sea level rise have and will continue to threaten the health of this and future generations. 2014 was the hottest year on record and the decade between 2001 and 2010 was the warmest the planet has seen since record keeping began. Taxpayers are already paying a steep price for unchecked climate change. Hurricane Sandy alone cost $70 billion in direct damages and lost economic output. We have an obligation to our children to take immediate action to address climate change's threats to our economy, health, and environment.

One of the most significant steps that the United States can take to address climate change is to implement Environmental Protection Agency safeguards that would curb carbon pollution from power plants – the single largest source of emissions in the country. The vast majority of this pollution comes from power plants that are powered by coal. The EPA has the authority and responsibility to reduce this harmful pollution under the Clean Air Act – an authority affirmed by the U.S. Supreme Court. Do you oppose all legislative efforts to roll back, block, or delay EPA regulations on carbon emissions from both new and existing power plants?

Yes: X **No:**

Q.3 – Climate Change: While we strongly support efforts by the Obama administration to reduce the pollution causing climate change, we will also need complementary action by Congress and an international agreement to confront this global challenge. The solutions to climate change can also help revitalize our economy and ensure that the U.S. leads in the 21st century clean energy race.

Do you support legislation reducing carbon pollution by at least 28% by 2025 and 80% by 2050, investments in climate change preparedness in the U.S. and abroad (including through the Green Climate Fund), and a fair and ambitious global climate change agreement that supports these goals?

Yes: [X] **No:** [ ]

Q.4 – Clean Energy: One critical way to reduce America's dependence on fossil fuels and cut carbon and other forms of air pollution is to increase our use of renewable energy sources, like wind, solar, and geothermal. Investments in the clean energy industry also create good-paying domestic jobs and grow the U.S. economy.

The 2015 budget deal temporarily extended critical clean energy tax incentives like the wind production tax credit (PTC) and the solar investment tax credit (ITC), but they face an uncertain future. Do you support extension and expansion of clean energy incentives, such as through legislation permanently extending the PTC and the ITC?

Yes: [X] **No:** [ ]

Q.5 – Federal Renewable Electricity Standard: Another way to move towards a clean energy economy is to create a federal standard for renewable electricity. More than 25 states have enacted policies requiring that a gradually increasing percentage of the state's electricity come from renewable sources.

Do you support federal legislation that would establish renewable energy requirements for utilities, with the requirements being that 40% of electricity is produced from clean, renewable energy sources like wind, solar and geothermal by 2035?

Yes: [X] **No:** [ ]

FIGHTING DIRTY ENERGY

Q.6 – Keystone XL Tar Sands Pipeline: The Keystone XL tar sands pipeline would transfer Canadian tar sands oil through the American heartland to be exported at an international shipping port on the Gulf of Mexico. The pipeline is not a credible jobs plan, as it would create only 35 permanent jobs. Since oil companies plan to export much of the oil, it would not improve our energy security, but it would worsen climate change and present major risks to public health and farmers. Tar sands oil production yields significantly greater carbon pollution compared with traditional crude oil – at a time when we need to be reducing those emissions to avoid the national security and environmental risks of climate change. Moreover, the company behind Keystone XL has a very poor safety record, and any spills would present a serious threat to our air, drinking water, and agricultural lands because tar sands oil is more toxic – and harder to clean up – than conventional crude. On November 6, 2015, the President rejected the permit to build this pipeline, citing concerns about its impact on climate change.

Do you oppose the Keystone XL tar sands pipeline and will you oppose any legislative attempts to approve it?

Yes: [X] **No:** [ ]

Q.7 – Fossil Fuel Subsidies: There are many ways in which our government continues to subsidize the production and use of fossil fuels, which threaten our health and are causing dangerous climate change. Taxpayers currently subsidize the oil industry with special tax breaks to the tune of billions of dollars every single year. Because of outdated federal rules around energy resource extraction from public lands, American taxpayers are losing out on significant revenues from onshore oil, gas and coal development. Across the West, royalty payments for oil and gas on federal lands are drastically lower than royalties that are charged on state lands. Additionally, major coal companies have taken advantage of outdated regulations for federal coal extraction, specifically in the Powder River Basin of Montana and Wyoming, and are pocketing billions of dollars at the taxpayer's expense. These policies are particularly indefensible at a time when concerns about our federal debt are prompting harsh cuts to a range of critical government services and programs, including ones that protect our environment and health.

Do you support ending taxpayer subsidies for large oil companies and other giveaways for fossil fuels, including updating royalty rates, rental payments, and transparency for federal oil, gas and coal development to ensure that companies are paying the true market-based rate?

Yes: [X] **No:** [ ]

Q.8 – Offshore Drilling: The risks inherent in offshore drilling were vividly manifest when the BP *Deepwater Horizon* oil rig exploded on April 20, 2010, tragically killing 11 rig workers and sending an estimated 4.9 million barrels of oil into the Gulf of Mexico. The 87-day uninterrupted flow of oil devastated tourism and fishing businesses as well as coastal and marine ecosystems, with lingering effects still being felt to this day in the Gulf. In the wake of the spill, Congress has failed to enact a single reform to the way offshore drilling is regulated. The Department of the Interior announced a draft leasing plan in January 2015, in which it proposed expanding risky offshore production into new areas such as the Atlantic Ocean and the fragile and remote Arctic Ocean. Oil industry allies in Congress want to go even further, even though U.S. oil production has already surged to levels not seen since 1973.

Do you support protecting coastal economies that rely on clean oceans, attractive beaches, and healthy fisheries by limiting offshore drilling to areas already impacted by oil and gas production?

Yes: [X] **No:** [ ]

Q.9 – Natural Gas & Oil Production: The process of hydraulic fracturing, or fracking, for oil and natural gas has led to an energy boom in the U.S. However, natural gas is still a dirty fossil fuel that is accompanied by many environmental problems posed by the fracking process itself and increased methane pollution. Fracking involves injecting a mixture of water, sand, and chemicals into rock fractures at high pressure to dislodge trapped oil and gas reserves. Communities across the country are alarmed at the impacts of this under-regulated process, which enjoys exemptions from many of our major federal environmental laws. Some of the risks from the lifecycle of fracking include: local and global air pollution, contamination of groundwater and surface water, secrecy around the use of toxic chemicals, and disposal of hazardous fracking waste. In March 2015, the Obama administration released its final rule to start limiting fracking's impacts on public lands, and legislative efforts to close loopholes in our environmental laws exist in both chambers of Congress.

Do you support legislation that closes loopholes for the fracking industry in our major environmental laws, including the Safe Drinking Water Act, Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act?

Yes: [X] **No:** [ ]

Q.10 – Transportation: Transportation policy has far-reaching impacts, including on oil consumption, carbon pollution, national security, land use, public health, and quality of life. The transportation sector accounts for roughly two-thirds of U.S. oil consumption, nearly one-third of annual U.S. greenhouse gas emissions, and between 1990 and 2012 was the country's fastest-growing source of climate change pollution. In recent years, the transportation program has invested about 80% in highways, less than 20% in transit and fewer than 2% on bicycling and walking. The next reauthorization of transportation legislation presents a significant opportunity to reduce carbon pollution and oil dependence.

Do you support a transportation bill that maintains dedicated funding for and increases investments in more transportation choices (such as transit, rail, biking, and pedestrian access), sets a national goal for reducing oil consumption in the transportation sector, reforms transportation planning to better support public health and environmental goals, and prioritizes fixing our nation's crumbling infrastructure?

Yes: [X] **No:** [ ]

PROTECTING PUBLIC HEALTH

Q.11 –Toxic Chemicals: Decades worth of science links serious health problems to toxic chemicals, many of which are used in our everyday consumer products, workplaces, schools, and homes. The federal system has failed to protect Americans from toxic chemicals, as evidenced by increasing rates of asthma, diabetes, childhood cancer, infertility, and learning and behavioral disorders.

The Toxic Substances Control Act (TSCA), our nation's main chemical law, is one of the most outdated and broken environmental statutes on the books. Of the 85,000 chemicals available for use, the Environmental Protection Agency (EPA) has required testing of only a few percent, and the uses of only 5 chemicals have ever been restricted. In the absence of strong federal regulation, states have taken the lead in protecting their citizens from toxic chemicals, with 169 policies enacted in 35 states so far. Consumer backlash against dangerous chemicals has succeeded in shifting the market towards safer chemicals, as happened with the hormone-disruptive chemical Bisphenol A (BPA). A fully functioning chemical regulatory system in the U.S. would include a strong federal system, uphold the role of states to go above and beyond federal standards, initiate immediate action on the most hazardous chemicals, and hold the industry accountable for demonstrating chemicals are safe for use.

Do you support legislation that would achieve the goals outlined above to reform the U.S.'s approach to toxic chemicals so that vulnerable groups, including children and pregnant women are fully protected?

Yes: [X] **No:** [ ]

Q.12 – The Clean Water Act: When the Clean Water Act was passed by Congress in 1972, 60% of waters across the United States did not meet baseline standards for use as set by the EPA. By 2001, that number was down to 40%, and many of those waters were cleaner than they were before. These results

were among the reasons that the Clean Water Act was long considered one of the country's most successful environmental laws.

However, Clean Water Act enforcement fundamentally changed as a result of Supreme Court decisions in 2001 and 2006 and ensuing misguided administrative directives. Today, lack of clarity on the jurisdiction of the Clean Water Act has left more than 60% of the nation's streams and 20 million acres of wetlands vulnerable to pollution, including sources of drinking water for 1 in 3 Americans. Although the best way to restore the historic Clean Water Act protections is for Congress to pass legislation that supersedes the Supreme Court decisions, the EPA and Army Corps of Engineers have used their authority to propose a Clean Water Rule that will restore protections to these important waterways. Opponents of this rule, including the oil and gas industry, developers, and other polluters, and their allies in Congress are attacking this critical rule. These attacks are being waged through standalone legislation and policy riders that would block or delay the rule.

Do you support restoring the historic scope of the Clean Water Act through legislation as well as upholding the EPA and Army Corps' Clean Water Rule and the administration's authority to protect our waterways, including seasonal streams and wetlands?

Yes: [X] **No:** [ ]

Q.13 – Environmental Justice: Some communities in America, especially communities of color and low-income communities, suffer disproportionate impacts from proximity to sources of pollution and environmental degradation. Evidence of environmental disparities includes: higher incidences of childhood lead poisoning among African-American and low-income children, higher rates of asthma in Latino and other communities of color, higher penalties for violations of federal environmental laws levied in white communities compared to minority communities, among many others.

Do you support legislation to strengthen compliance with Executive Order 12898, the President's Order on Environmental Justice (2/11/94), which mandates that each federal agency make achieving environmental justice part of its mission, by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations?

Yes: [X] **No:** [ ]

LAND, WATER & WILDLIFE CONSERVATION

Q.14 – Oceans Policy: Oceans, coasts, and rivers contain ecosystems that sustain and improve our economy. According to the National Ocean Economics Program, the U.S. ocean and coastal economy contributes more than $258 billion to the nation's annual GDP from living marine resources, tourism, recreation, transportation, construction, and mineral extraction. Additionally, over 2.7 million jobs in the U.S. depend on the marine environment. Yet, two blue-ribbon commissions have detailed declines in ocean health ranging from depleted fish populations to acidification and other detrimental impacts from climate change. For many years, the Magnuson-Stevens Fishery Conservation and Management Act, which is currently up for reauthorization, has helped to halt overfishing and rebuild many of our fish stocks. However, many scientists and stakeholders, as well as both blue-ribbon commissions, have called

for a fundamental shift in how the federal government manages America's oceans: from a single-species approach to a more comprehensive approach known as ecosystem-based management.

Do you support a reauthorization of the Magnuson-Stevens Act that protects the law's core conservation requirements to end overfishing and rebuild depleted fisheries, while also updating the law to have a more science driven ecosystem-based management structure that will fully restore the health of our fisheries and marine ecosystems?

Yes: [X] **No:** [ ]

Q.15 – Land Conservation: Protecting public lands and natural areas strengthens our economy by boosting outdoor recreation and tourism. A key federal program to protect public lands, urban parks, working forests, and battlefields is the Land and Water Conservation Fund (LWCF), which uses federal revenues from the depletion of one natural resource—offshore oil and gas—to support the conservation of another valuable resource—our lands and waterways. LWCF funding has supported outdoor recreation projects in all 50 states, ranging from expansions of iconic National Parks like the Grand Canyon to building local parks, trails and playgrounds in our own backyards. Yet despite bipartisan support for LWCF, nearly every year Congress diverts much of the $900 million authorized for this program and spends it on things other than conserving natural open spaces and public lands. Additionally, LWCF is facing a critical deadline when its authorization expires in September 2018, putting in jeopardy this popular and longstanding program.

Do you support legislation to fully fund and permanently authorize the Land and Water Conservation Fund?

Yes: [X] **No:** [ ]

Q.16 – Arctic National Wildlife Refuge: The Arctic National Wildlife Refuge is one of our nation's crown jewels and is among the most spectacular and remote areas of the entire world. It supports the most diverse wildlife in the Arctic and is home to caribou, polar bears, muskoxen, gray wolves and more than 200 species of birds. Following several years of public engagement and using the best available science, in January 2015, the U.S. Fish and Wildlife Service issued a Comprehensive Conservation Plan which recognizes the Refuge's unparalleled wild character and recommends that more than 12 million acres—including the Refuge's biological heart, the Coastal Plain—be formally protected as wilderness by Congress. A wilderness designation is the highest level of protection available to public lands.

Do you support legislation to permanently protect the Coastal Plain of the Arctic National Wildlife Refuge by designating it as wilderness?

Yes: [X] **No:** [ ]

Q.17 – The Endangered Species Act: For more than 40 years, the Endangered Species Act (ESA) has helped prevent the extinction of our nation's wildlife treasures, including the bald eagle, the Florida manatee, and the California condor. But despite the ESA's outstanding success, there have been numerous attempts in recent years to significantly undermine the ESA. These include legislative proposals to make it more difficult to list species, weaken habitat protections, establish arbitrary land boundaries where species protections would not apply, interfere with scientific decision-making,

inappropriately transfer management of listed species to the states, and undermine citizens' ability to enforce the ESA in the courts. In addition, there also have been recent attempts to block or lift protections for particular species such as the sage grouse, which would set a dangerous precedent of interference and micromanagement by Congress.

Do you oppose congressional interference with science-based ESA decisions and support maintaining the strong protections of the Endangered Species Act?

Yes: [X] **No:** [ ]

CROSS-CUTTING

Q.18 – National Environmental Policy Act: The National Environmental Policy Act (NEPA) was passed into law in 1970 with overwhelming bipartisan majorities. At its core NEPA is about public disclosure and public participation. NEPA requires that for all major proposed federal projects and actions environmental impacts are disclosed, potential alternatives are presented, and the public is given a chance to comment. NEPA gives citizens a voice in projects that impact their communities and can lead to the selection of more effective and less expensive projects. Despite its track record of success, there is a sustained effort in Congress to weaken or gut this bedrock environmental statute by those who falsely claim NEPA impedes development, takes too long, and costs too much.

Do you oppose all legislative efforts to undermine NEPA?

Yes: [X] **No:** [ ]

Q.19 – Trade: Today's trade deals go beyond simply eliminating tariffs—they are massive agreements that have enormous implications for environmental policies and protections around the world. Trade deals have the option of being approved by Congress under expedited procedures (also called "fast track"), which includes limited debate and no amendments. Given their scope, Congress and the American public have a right to know what's in these deals before negotiations are finished. However, the current trade agreement negotiations process is severely lacking in both accountability and transparency.

Many provisions within trade deals have environmental impacts. For example, the two trade deals currently under negotiation, the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), include: provisions that would automatically approve natural gas export permits to countries in the deal, concerning language on chemical regulation, regulatory coherence language that could result in a regulatory "race to the bottom," and provisions to would allow multinational corporations to seek damages in private tribunals for domestic environmental and public health laws they allege are hurting their investments. Furthermore, even when recent trade deals have included strong environmental provisions, like a prohibition on trade in illegally harvested timber and wildlife, enforcement has proved to be a major challenge.

Do you only support trade deals that result in real, enforceable progress on environmental and public health issues, are negotiated in a transparent way, and do not include the harmful provisions listed above?

Yes: [ ] **No:** [ ]

***Please see supplemental response in space below.**

Q.20 – Corporate Money in Politics: The dramatic increase of corporate money in politics stemming from a series of disastrous Supreme Court decisions, including *Citizens United vs. FEC,* has allowed special interests to hijack our democracy and drown out the voices of the American people. Prominent among these special interests are the big corporate polluters seeking to spew unlimited amounts of carbon and other pollution into our air and water at a time when climate change-fueled extreme weather is impacting Americans all across the country. It is time for legislation that will ensure the American people hold the power in our elections, not corporate polluters.

Do you support efforts to limit the influence of corporate money on our political system, including through legislation that would increase the influence of low-dollar campaign contributions and a Constitutional Amendment that would reverse the *Citizens United* decision and restore Congressional authority in determining campaign contribution limits?

Yes: [X] **No:** [ ]

STATE-SPECIFIC

Q. 21 – Trash Reduction: The United States uses approximately 100 billion plastic bags each year. The vast majority of these wind up in landfills or as loose trash on land and water. To date, 210 municipalities in the United States, spanning 17 states plus the District of Columbia, have adopted carryout bag ordinances however the policy remedies have varied from municipality to municipality and have created a patchwork of legislative approaches that yield different outcomes. For instance, in New York State legislation that created a voluntary plastic bag take-back recycling system lacks enforcement and has failed to produce a demonstrable impact in reducing plastic bag waste. In New York City, efforts to place a nominal fee on single-use use carryout bags is stalled in the NYC Council while several towns and villages have enacted straight plastic bag bans which have been challenged in courts.

The Trash Reduction Act of 2015 (H.R.3977) would create a consistent national policy that would keep thousands of tons of pollution out of our water, land, and landfills each year. The bill would place a minimum $0.10 fee on each bag provided by retailers to carry out groceries and other purchased items; permit retailers to retain $0.04 per bag if they have a qualifying recycling program; allow limited reusable bag giveaways for promotional reasons; and, transfer funds raised by the fee to the Land and Water Conservation Fund to support projects that protect and conserve our environment. Studies have consistently shown that the best solution to excessive plastic bag trash is to place a nominal fee on single-use carryout bags. Local governments in both the United States and around the world have enacted per-bag charges which have resulted in dramatic (60-90%) reductions in the number of bags used.

Do you support federal legislation that would reduce the amount of single use disposable bags sent to landfills each year?

Yes: X **No:**

We welcome you to elaborate on what your top environmental priorities would be in Congress and to offer any additional feedback you would like to supplement your answers above.

My top environmental priority will continue to be doing everything I can to build bipartisan support for efforts to cut carbon emissions, make aggressive investments in clean energy sources like wind and solar power, and combat climate change on all fronts. As the representative for a district that was severely damaged by superstorm Sandy, I find that for many of my constituents, climate change is not the divisive, partisan issue that it often seems to be in our national politics. People recognize that without action, extreme weather events like Sandy will be more frequent and more severe, and parts of our district could be underwater in our lifetimes as sea levels continue to rise. That gives me hope that we can finally reach bipartisan consensus on this issue as long as we have leaders who will put in the work to build it, and I believe I can continue to be an effective partner in that effort – particularly by highlighting climate change as a national security issue and by arguing that we need to follow the military's lead and devote serious resources to developing alternative energy sources.

Supplemental response to Q.19: As you know, I voted for Trade Promotional Authority in 2015. I did so after careful thought and extensive consultation with people on both sides of the debate, and one of the reasons I decided to support TPA-2015 was the fact that it requires future trade agreements like the TPP to include fully enforceable environmental protections within the deal itself, unlike past deals in which environmental provisions were covered under side-agreements and could not be fully enforced. I believe this is real, significant progress, and it reflects the fact that when the United States takes the lead in setting the rules of the global economy, we make environmental protections a priority where other countries would not.

Please know that while we disagreed on the issue of fast-track authority, I absolutely share your commitment to ensuring that trade deals make real, enforceable progress on environmental and public health issues, and I welcome your input and expertise as I continue to review the text of the final TPP agreement and consider the provisions you mention above.

Candidate Signature: Kathleen M Rice

Candidate Name: Rep. Kathleen Rice

Office Sought: U.S. Representative, NY-04