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2016 Environmental Candidate Questionnaire

CAMPAIGN CONTACT INFORMATION

Candidate Name: Tony Avella

Office Sought (district if applicable): State Senate - 11th District

Please share your accomplishments or experiences that indicate your commitment to advancing a pro-environment agenda. These experiences may be professional or personal.

Many years of leading environmental causes, both as a community activist, City Council Member and now State Senator. Led the fight in the State Legislature against allowing hydrofracking in New York. Vice-Chair of the Senate’s Environmental Conservation Committee.

Introduced numerous bills in the Senate to improve the environment such as:

S679	S679 Assigns liability to a producer for actions leading to a public water system's failure to meet filtration avoidance criteria resulting in the loss of filtration
S681	AVELLA -- Requires a seismological impact study related to hydrofracking
S686	AVELLA -- Relates to the collection of mercury containing thermostats
S881	AVELLA -- Relates to eligibility for acceptance into the brownfield cleanup program; repealer
S883	AVELLA -- Prohibits the use of hydraulic fracturing in the extraction of oil and gas

S884	AVELLA -- Relates to the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas
S885	AVELLA -- Allows a person to institute an action for a violation of the provisions of the environmental quality review even if the injury does not affect the public at large
S890	AVELLA -- Prohibits the disposal in a solid waste facility of lamps containing mercury; requires manufacturers thereof to establish collection and recycling programs
S901	AVELLA -- Establishes a moratorium on disposal of fluids used in hydraulic fracturing occurring outside the state until 120 days after federal EPA issues report thereon
S902	AVELLA -- Requires a health impacts assessment for horizontal gas drilling and high-volume hydraulic fracturing
S919A	AVELLA -- Relates to the reduction of mercury in mercury-added lamps
S926	AVELLA -- Provides for the recovery, reuse and recycling of hardcover books
S927	AVELLA -- Suspends the issuance of permits for drilling wells for natural gas extraction in certain areas
S933A	AVELLA -- Relates to global warming pollution control
S944	AVELLA -- Requires environmental impact statements to consider cumulative effects of an action
S1037	AVELLA -- Requires disclosure of environmental conservation permit applicant's record of compliance with state, federal, and foreign environmental regulations
S1126A	AVELLA -- Relates to the regulation of cadmium-added novelty consumer products
S1220	AVELLA -- Relates to natural gas development using hydraulic fracturing
S4522B	AVELLA -- Relates to establishing a product stewardship program for primary batteries
S4676	AVELLA -- Relates to regulation of toxic chemicals in pet products
S4686A	AVELLA -- Enacts "Cecil's law" relating to banning the importation, transportation and possession of certain African wildlife species and products
S5375	AVELLA -- Prohibits solid waste polluters from procuring solid waste public contracts
S5377A	AVELLA -- Requires manufacturers to meet certain standards with their packaging in New York state to reduce waste

S5378	AVELLA -- Provides for the reimbursement of costs of the New York environmental protection and spill compensation fund in the department of audit and control
S5393	AVELLA -- Requires contractors to recycle 50% of the waste generated on construction and demolition sites
S5404A	AVELLA -- Provides for source separation and disposal of recyclable materials and requires municipalities to adopt local laws providing therefor
S5751A	AVELLA -- Relates to financial liability for major facilities, vessels, and railroads
S6630	AVELLA -- Relates to any department of environmental conservation management plan regarding mute swans
S6901	AVELLA -- Requires the department of environmental conservation to review the policies of the department of parks and recreation of the city of New York regarding trees and tree maintenance
S7035	S7035 -- Prohibits the idling of any passenger vehicle for more than 3 consecutive minutes
S7085A	AVELLA -- Relates to recycling program requirements
S7507	AVELLA -- Relates to regulation of toxic chemicals in children's products
S7577	AVELLA -- Relates to providing notice of crude oil shipments to major facilities
S7704	AVELLA -- Relates to enforcement of the freshwater wetland law

Please indicate your level of commitment to, and if applicable your recent personal and professional activity with respect to, the following issues:

(To ensure your responses address the issues NYLCV and its partners are most concerned about, please review [NYLCV's 2016 State Policy Agenda](#))

Ensuring adequate funding for the environmental agencies and programs

Fought for adequate funding for the EPF fund since my election to the Senate and other key programs.



Addressing the causes and effects of climate change (e.g., clean energy and emission controls)

Introduced BILL NUMBER: S933A, which would amend the environmental conservation law, in relation to global warming pollution control

PURPOSE OR GENERAL IDEA OF BILL :

The purpose of this bill is to require the Department of Environmental Conservation (DEC) to promulgate rules and regulations establishing limits on greenhouse gas emissions.

SUMMARY OF PROVISIONS :

This bill would: *define greenhouse gas to include carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other gas determined by the DEC to be a significant contributor to global warming;

*authorize the DEC to promulgate rules and regulations, by May 1, 2017, requiring annual greenhouse gas emission reporting from greenhouse gas emission sources;

*require the DEC to issue a report on the annual greenhouse gas emissions and the progress made in achieving reduction efforts;

*require the DEC, after a public hearing, to promulgate rules and regulations establishing a limit on greenhouse gas emissions;

*require the emissions limit to: Be less than the aggregate level of emissions for 1990; Decrease by an additional ten percent every 5 years, beginning with a reduction of 20 percent by 2023; and Be less than 80 percent of the initial limit by 2053

*prohibit DEC from adopting a regulation that would place or increase an additional environmental or health burden on a community that has a higher level of regulated air contaminant source emissions within the community as compared with the county average; and,

*require DEC to include a plan to address adaptation to climate change.

JUSTIFICATION :

Global warming will have detrimental effects on the economic wellbeing, public health, natural resources and the environment. The Intergovernmental Panel on Climate Change, awarded the 2007 Nobel Peace Prize, projected that temperatures would rise more rapidly if greenhouse gases are not abated. The Panel concluded that reducing emissions 80 percent below current emissions by mid-century would prevent the worst impacts of global warming. This legislation seeks to accomplish that goal and at the same time provide opportunity for public involvement and input into the regulatory process in order to ensure that the resulting emission limits do not impose undue

environmental or economic hardship. Seven other states have adopted laws to establish greenhouse gas emission standards.

Protecting the health of New Yorkers and their communities (e.g., toxics, air quality, food quality and security)

Introduced **S7035** -- Prohibits the idling of any passenger vehicle for more than 3 consecutive minutes to address air quality.

Conserving and protecting natural resources (e.g., water, open spaces, habitat, organic recycling)

Introduced significant legislation to address these issues such as:

S679 Assigns liability to a producer for actions leading to a public water system's failure to meet filtration avoidance criteria resulting in the loss of filtration

Investing in better, smarter infrastructure (e.g., transportation, electrical grid, green infrastructure, smart growth, rail transport of crude oil)

Introduced BILL NUMBER: S7577

TITLE OF BILL : An act to amend the navigation law, in relation to notice of crude oil shipments to major facilities

PURPOSE OR GENERAL IDEA OF BILL :

To require the owner or operator of a major facility to provide notice of crude oil shipments by railroad to major facilities

JUSTIFICATION :

The Crude Oil Shipment Reporting bill is in response to recent accidents resulting in substantial financial and personal losses to both public and private entities due to injuries, loss of life, damages and clean up costs, all as a result of explosions and would require advance notification to first responders and officials that hazardous crude oil was being transported through the affected region enabling advanced preparation for potential rail car accidents. This bill would apply to all crude oil shipments to major facilities by rail and requires said facility to, at minimum, report the route taken to the facility within the state, the scheduled time, location, volume, and volatility of the crude oil.



The transport of crude oil by rail has increased exponentially nation-wide over the past five years, from over 9,000 carloads of crude oil in 2008 to over 400,000 in 2013, and accidental spills and explosions of crude oil have increased accordingly, highlighting the need for advanced notification to affected communities. There is a heightened awareness of safety issues related to the transportation and storage of crude oil and the Crude Oil Shipment Reporting bill is one attempt to address the negative impacts that may result from an accident in transporting crude oil by rail. Rail transportation of crude oil is regulated by federal law, however, state law can require proper notification of crude oil by rail shipments.

It is necessary that reporting measures be put in place to ensure that communities are made aware and take appropriate steps in preparation of a potentially hazardous crude oil by rail accident thereby lessening the impact such an accident would have.