

NEW YORK LEAGUE OF CONSERVATION VOTERS

NEW YORK LEAGUE OF CONSERVATION VOTERS EDUCATION FUND

# New York State Policy Agenda 2022





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2021 was undoubtedly a challenging year for New York State as we contended with the ongoing COVID-19 pandemic and the aftershocks of sequential extreme weather events Hurricanes Henri and Ida. Yet while there were roadblocks, New York's leadership and its people continued to stand up and take pro-environment, pro-climate, and pro-public health action.

This past year, the State committed to 100% zero-emission passenger vehicle sales by 2035, and this fall, the Governor made the bold announcement to increase the Environmental Bond Act to \$4 billion. During the November election, a bi-partisan majority of voters across the state approved a new Constitutional amendment guaranteeing the right to clean air and water to each and every New Yorker, showcasing that a clean and healthful environment is more important to voters than ever.

While there was progress over the past 12 months to recognize, there is much more work to do as we look ahead.

## 2022 WILL BE A CRITICAL YEAR FOR THE ENVIRONMENT

New York cannot make progress toward addressing the climate crisis without expansive action to decarbonize transportation, buildings, and the energy grid. In our agenda, we lay out priorities to advance New York's net-zero carbon goals, including: implementing a clean fuel standard for transportation; electrifying our school bus and public transportation fleets; growing our EV charging network; and tightening building energy codes and appliance efficiency standards.

As the State looks to build a more resilient New York, policymakers must also commit to making real investments in reducing emissions, protecting our communities, and growing green jobs for the economy of the next generation. This year, NYLCV will be prioritizing the \$4 billion Environmental Bond Act, which, if approved, will provide essential investments in many key issue areas while supporting tens of thousands of good-paying, green jobs. Our agenda also outlines the need for increased funding and staff for the State's essential environmental, public health, energy, and transportation agencies; continued investments in clean water infrastructure funding; and a \$500 million Environmental Protection Fund. These crucial investments are a necessary down-payment on a sustainable future for New York that will pay back in the health of our people and our communities.

Every year, NYLCV and NYLCV Education Fund collaborate with leading environmental, conservation, energy, public health, transportation, and environmental justice organizations to identify the most urgent priorities. This agenda is the result of these efforts.

The 2022 New York State Policy Agenda will focus much of our work and advocacy throughout the upcoming legislative session and the next 12 months, guiding bills for selection in our Legislative Scorecard and directing our educational programming.

We look forward to working with the Governor, the State Senate, and the State Assembly to build upon our progress and show New Yorkers that the environment, environmental justice, and tackling the climate crises are priorities for our government in 2022.



## ■ CLEAN TRANSPORTATION

Transportation is the leading source of greenhouse gas emissions in New York State, damaging public health and concentrating pollution in low-income communities and communities of color. Aggressive action is required to protect public health, promote environmental justice, and achieve the State's target of net-zero emissions by 2050. Ensuring new public and private transportation is zero-emission while decarbonizing fuels for existing and hard-to-electrify vehicles must be New York's top priority. This includes the electrification of school bus and public transit fleets as well as lifting the cap on manufacturer-owned zero-emission car sales. To make this transition more affordable, New York should establish a clean fuel standard that makes the dirtiest fuel providers subsidize low- and zero- emission alternatives, including electric trucks, buses, and fleets, using credits to prioritize electrification investments in environmental justice communities.

## ■ CLEAN ENERGY

Our ability to mitigate climate change is largely dependent on ambitious action to decarbonize New York's energy grid within the next decade and slash pollution from dirty fossil fuel power plants often located in disadvantaged communities. New York's continued progress toward achieving 70% renewable electricity by 2030 is predicated upon implementing the Accelerated Renewable Energy Growth and Community Benefits Act, including implementing the regulations of the new Office of Renewable Energy Siting, supporting new transmission as needed, and advancing clean energy procured by NYSERDA in a timely manner, including the newly-announced 10 gigawatts of distributed solar by

2030. Additionally, building energy codes and appliance standards should be tightened to increase energy efficiency and reduce energy usage.

## ■ ZERO WASTE

Waste is an often overlooked part of the climate crisis, accounting for about 12% of New York State's greenhouse gas emissions. The recycling system faces numerous challenges that must be addressed to make New York's waste management more sustainable. New York must take a range of short-, medium-, and long-term steps to fix the recycling market, including: passing more extended producer responsibility laws; supporting local recycling efforts, including through additional funding; and standardizing a statewide list of recyclable materials.

## ■ THE ENVIRONMENTAL BOND ACT AND RESILIENCE

As New York faces the realities of a changing climate including more extreme weather, severe flooding, and rising temperatures, adapting our communities and upgrading our infrastructure to become more resilient to climate impacts is increasingly critical. Legislators and the Governor must move forward with a \$4 billion Environmental Bond Act, which will provide essential investments in environmental protection, clean water, climate action, and resilience projects while supporting thousands of good-paying jobs and investing in disadvantaged communities. New York should also prioritize the protection of its natural resources, including implementing 30x30 to preserve 30% of its lands and waters by 2030 and legislation to dramatically expand protections for its essential wetland ecosystems.

# Ensure Adequate Funding for the Environment

Investing public dollars into our environment is essential to building a more sustainable, more resilient future for New York. As we continue our pandemic recovery, environmental programs are more important than ever, with investments in green projects creating jobs. Existing funding for environmental agencies must be increased to protect the environment alongside safeguarding public health and combating climate change.

1. Support an additional \$1 billion for the Environmental Bond Act for a total of \$4 billion. This is a 2022 ballot initiative to finance environmental restoration and adaptation projects that will make New York more resilient to climate change. It includes buyout programs, investments in green infrastructure, as well as farm, parks, and forestland adaptation and protection.
2. Increase the Environmental Protection Fund from \$300 million to \$500 million to address significant environmental, land protection, infrastructure, and conservation needs throughout the state.
3. Maximize federal funding opportunities made available from the Infrastructure Investment and Jobs Act and the Build Back Better Act to update New York's aging infrastructure and accelerate the transition to a just, carbon-free economy.
4. Identify existing revenue streams and plan for new revenue streams to support implementation of the Climate Leadership and Community Protection Act (CLCPA). Work to achieve the goal of at least 40% of the CLCPA investments benefitting environmental justice communities.
5. Redirect spending from tax benefits and expenditures that benefit fossil fuels to programs that will accelerate the transition to net carbon neutrality by 2050.
6. Continue to allocate at least \$1 billion in annual clean water infrastructure funding in the 2022-2023 budget to reduce the backlog of water infrastructure projects, address emerging contaminants, provide ongoing maintenance, and support green infrastructure.
7. Increase staffing levels to ensure effective operations and achieve measurable outcomes for environmental policies at the agencies charged with protecting and preserving the environment and public health, including the Department of Environmental Conservation (DEC), the New York State Energy Research and Development Authority (NYSERDA), the Department of Public Service (DPS), the Office of Parks, Recreation, and Historic Preservation (OPRHP), the Department of Agriculture & Markets (DAM), the Department of Health (DOH), the Adirondack Park Agency, and the Department of State (DOS). Ensure proper staffing of the new Office of Renewable Energy Siting to meet renewable energy goals.
8. Extend the Brownfield Cleanup Program tax credits that are due to expire this year. Include programmatic modifications to improve efficiency and provide additional incentives targeting disadvantaged and environmental justice communities, affordable housing, and renewable energy projects.
9. Ensure full funding for mass transit capital and operating needs throughout the state, including the State's portion of the historic 2020-2024 MTA Capital Plan. Ensure that dedicated transit funds are not diverted to the General Fund or used for other purposes.
10. Implement the New York metropolitan region congestion pricing plan with minimal exemptions, maximum emission reductions, and a robust public education campaign.
11. Allocate sufficient funding to improve and expand public transit in Long Island, the Hudson Valley, and Central, Western, and Northern regions of New York, including bus and rail for intra- and inter-city transit. Ensure upstate projects are in place to take advantage of new and existing federal funding streams for transportation.
12. Ensure full funding and the timely completion of Phase 2 of the Second Avenue Subway to help increase subway ridership and better connect uptown to mid- and lower-Manhattan.
13. Establish rebate programs for e-bikes and e-scooters to incentivize carbon-free micro-modal transportation options.
14. Use Regional Greenhouse Gas Initiative auction proceeds exclusively for clean energy and energy efficiency projects and programs without sweeps to the General Fund.



# Climate Change

As climate change threatens the well-being of our people, our infrastructure, and our economy, we must take bold action to address this crisis. We will ensure the timely and effective implementation of the Climate Leadership and Community Protection Act (CLCPA) to achieve economy-wide net carbon neutrality by 2050 and 100% clean energy by 2040. We will advocate for investment in resiliency to protect vulnerable communities from the changing climate. Across climate actions, we must implement at least 40% of programmatic benefits in environmental justice communities.

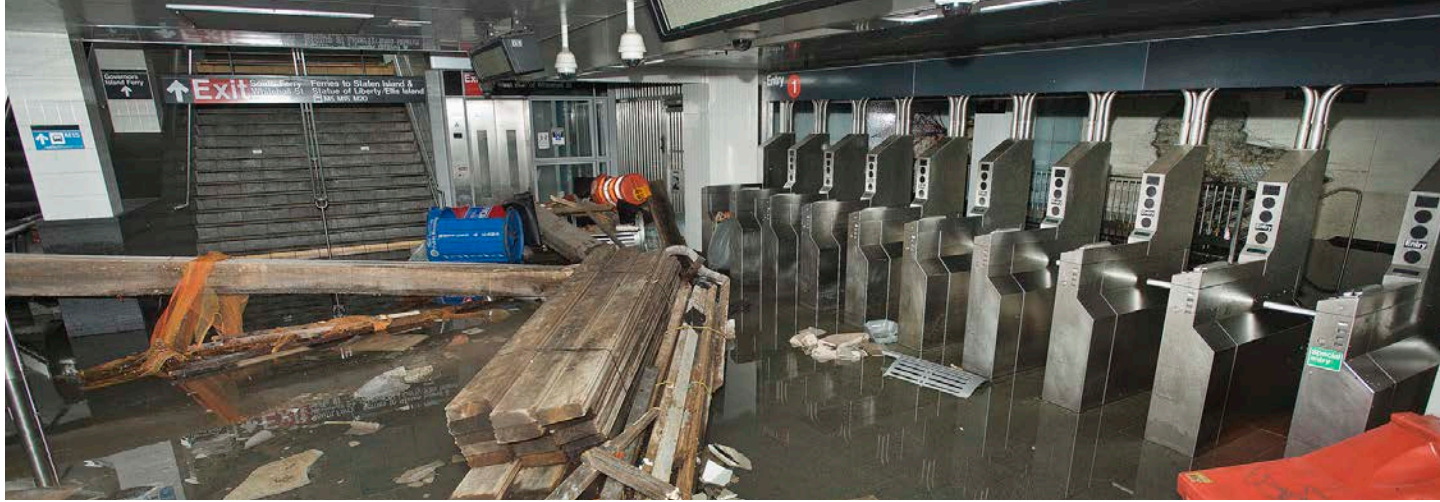
## TRANSPORTATION

1. Establish a Clean Fuel Standard to decarbonize existing combustion engines across passenger vehicles, medium- and heavy-duty vehicles as well as move to zero-emission vehicles, including electrification.
2. Enact legislation to transition school bus fleets to zero-emission school buses, including dedicated funding and technical assistance for schools. Ensure additional support is given to school districts that serve majority disadvantaged communities.
3. Require public transportation systems to purchase zero-emission transit buses and ensure safeguards to protect good-paying jobs through the transition to clean public transit. Support the electrification of, and other decarbonization strategies for, other forms of transportation and mass transit. Increase government fleet adoption of ZEVs outside of public transit.
4. Eliminate the cap on manufacturer-owned zero-emission vehicle (ZEV) dealerships. Promote deployment of ZEVs by significantly expanding ZEV infrastructure including charging infrastructure and continuing incentives to purchase ZEVs. Support Public Service Commission updates and improvements to utility tariffs and approved programs to meet the need for rapid and scaled deployment of ZEV fast charging stations, including legislation to create a more flexible billing system for electric vehicle charging.
5. Prioritize the Gateway Project, repairing existing infrastructure as well as developing a new rail tunnel between New York and New Jersey and all associated infrastructure on the New York side of the Hudson River.
6. Support decarbonization of other travel hubs, focusing on high-capacity hubs including the Port Authority of New York and New Jersey.
7. Implement legislation to support complete streets and make communities more walkable and bikeable in order to decrease total vehicle miles traveled. Expand the scope of the New York State Complete Streets law to include maintenance and repaving projects.
8. Support street safety initiatives including traffic calming, lower speed limits, conversion of elevated highways into surface-level boulevards and streets, electronic speed enforcement, and increased penalties and enforcement for reckless driving.
9. Support integrated multimodal transportation like bus rapid transit, dedicated bus lanes, rails-to-trails conversions of abandoned rail lines, ferries, connected

- regional bike lanes and trails, and community multi-use trails that promote bicycling, walking, and safety for all people with local community access. Provide appropriate infrastructure to support these modes of transportation. Pursue efficiency and decarbonization measures for carbon-intense multimodal transit including ferries.
10. Support the expansion of programs and services such as car sharing, bike sharing, and other alternative modes of transportation that enable greater mobility, especially for areas not served by mass transit, to reduce single occupancy vehicle use. Amend the Vehicle and Traffic Law to allow for cargo e-bikes to transport goods and services in addition to people.
11. Repair, upgrade, and expand critical commuter and freight rail lines throughout the state to limit car and truck traffic on local roads and highways. Incentivize zero-emission engines and additional decarbonization measures for rail and non-rail freight transportation in order to reduce emissions from heavy-duty vehicles.

## ENERGY

1. Continue to support the Public Service Commission's ongoing work to achieve 70% renewable energy by 2030 and 100% clean energy by 2040, including:
  - a. Necessary procurement, siting, permitting, and transmission for at least nine gigawatts of offshore wind by 2035.
  - b. Regulations and incentives to achieve at least ten gigawatts of distributed solar by 2030.
  - c. Regulations and incentives to achieve at least six gigawatts of energy storage by 2030.
  - d. Technical assistance and planning support for siting and storage, integrated transmission planning, and grid upgrades to support increased renewables.
2. Support the Office of Renewable Energy Siting's implementation of new regulations for siting large-scale renewable energy pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act.
3. Implement a coordinated building decarbonization and energy efficiency strategy to align energy and heating needs with the State's climate objectives, including:
  - a. Tightening building energy codes by incorporating useful life-cycle cost analysis and greenhouse gas emissions reduction savings into code creation and working with other states to develop building energy codes that provide deep energy and utility bill savings.



- b. Updating energy efficiency standards for new appliances.
  - c. Adopting building electrification mandates with adjusted benchmarks based on building size, type, usage, and grid capacity.
  - d. Developing strong incentives- particularly those that reward innovation- for effective building decarbonization technologies at scale this decade, including heat pumps and other emerging technologies.
  - e. Integrated electrification programs from NYSERDA and utilities.
  - f. Eliminating the 100-foot rule that subsidizes the expansion of gas infrastructure for new gas customers.
  - g. Developing dedicated funding for green affordable housing to address decarbonization needs in low-to-moderate-income communities.
  - h. Implementing statewide building benchmarking legislation.
  - i. Where electrifying heating is not feasible in the near-term, replace #6 and #4 heating oil in buildings and decarbonize buildings that burn natural gas with alternatives that reduce carbon, particulate matter, and other emissions in the most cost-effective manner.
4. Amend the CLCPA to include energy from anaerobic digesters in the definition of renewable energy without limit on the use of such energy.
  5. Extend credits and incentives for community distributed generation (CDG) projects through the NY-Sun program, with a focus on funding downstate CDG projects and funding for low-to-moderate income communities.
  6. Define and designate “disadvantaged communities” as required by the CLCPA in a timely manner. Ensure the implementation of environmental justice benchmarks in the CLCPA by making sure at least 40% of clean energy investments benefit disadvantaged communities.

7. Regulate “behind-the-meter” energy generation with non-renewable sources that inhibits progress toward the CLCPA goals, including regulating the repowering of un- or under-regulated power plants for proof of work authentication in cryptocurrency mining.
8. Implement a price on carbon in the wholesale electricity market and consider applying carbon pricing in other sectors of the economy.
9. Implement the Public Service Commission’s energy efficiency mandate in the CLCPA with rigorous evaluation standards.
10. Ensure that all tax policies are fairly implemented to support the establishment of renewable energy projects. Ensure that the policy framework encourages and integrates new emissions-reducing technologies as they demonstrate their effectiveness.
11. Ensure that State energy plans and regulations provide for the reduction of fine particulate matter, sulfur dioxide, nitrogen oxides emissions, and other air pollutants, especially in environmental justice communities that bear a disproportionate impact of these emissions.

### ■ RESILIENCY AND SUSTAINABILITY

1. Extend DEC’s regulatory authority over wetlands and reform the regulatory process for wetlands protection. Make wetlands mapping an educational tool rather than a condition for DEC regulation.
2. Invest any federal relief funds from climate-related natural disasters in a timely manner, with a focus on recovery projects that enhance resilience against future storms and floods.
3. Finalize and adopt updated state coastal erosion hazard area maps.
4. Continue to fully implement the Community Risk and Resiliency Act as amended by the CLCPA.

5. Support state and local resilience planning by developing a statewide resilience plan and increasing investments in the Climate Smart Communities program.
6. Encourage proactive sustainability and resiliency projects that reduce community risk and damage from storms, including but not limited to nature-based solutions. Require the incorporation of climate change science into emergency response plans and proactive community planning such as comprehensive plans. Provide funding and training for plan implementation.
7. Incorporate green infrastructure into gray and hard infrastructure projects that are being funded or supported by the State.
8. Adopt legislation to protect residents from flood risks, including requiring residential property owners to disclose the flood risk of a property to buyers or renters prior to point of sale or rental.
9. Promote sustainable growth and community revitalization in resilient areas through State support for higher density mixed-use development near transit hubs, walkable neighborhoods, and green buildings.

### ■ WASTE REDUCTION

1. Set a statewide goal of reducing waste sent to landfills by 90% by 2040.
2. Adopt policies to create a circular economy.
3. Address challenges in the recycling market, including:
  - a. Passing more extended producer responsibility laws, especially for packaging, carpet, and mattresses.
  - b. Supporting local recycling efforts, including funding for recycling coordinators.
  - c. Covering additional types of glass containers in an expanded Bottle Bill.
  - d. Standardizing a statewide list of recyclable materials.
  - e. Funding a coordinated and comprehensive public education campaign.
  - f. Stimulating markets for recycled materials by encouraging or requiring the sale and purchase of products with recycled content that is non-toxic.
  - g. Establishing procurement specifications that address glass and other recyclable materials for use by State agencies and municipalities.
  - h. Implementing landfill bans on easy-to-recycle materials including clean gypsum wallboard to incentivize reuse, waste reduction, and recycling.
4. Incentivize the reduction of single-use items and reduce or eliminate the use of non-recyclable materials,

especially in packaging and food service. Incentivize the use of refilling stations.

5. Monitor the implementation of, and opportunities to expand, the 2019 Food Donation and Food Scraps Recycling Law. Explore opportunities to support residential and centralized organic waste composting.

### ■ GREEN JOBS AND EDUCATION

1. Develop and fund green job retention, retraining, and workforce development programs with a focus on environmental justice communities as well as communities and industries that are economically dependent on carbon-intensive jobs. Work with industry associations, trade schools, and trade union continuing education programs to develop and implement appropriate green job curricula.
2. Work with offshore wind developers and related supply chains to create in-state port, servicing, and manufacturing jobs, including creating jobs that benefit people in environmental justice communities and provide for a just transition for workers in fossil fuel industries.
3. Develop a climate change education curriculum to be taught in schools statewide.



# Public Health

The health of our environment impacts the health and well-being of our people and our communities. By identifying and addressing the cumulative impacts of environmental injustices, improving our air and water quality, cleaning up contaminated land, and limiting the public's exposure to hazardous or toxic substances, we can protect both.



## ■ ENVIRONMENTAL JUSTICE

1. Amend the environmental impact statement and public participation processes for siting new environmental facilities and major projects to better address the cumulative health, environmental, and economic impacts of future projects on environmental justice communities.

## ■ WATER QUALITY

1. Require water utilities to disclose information about the presence of lead service lines, protecting communities from lead exposure through existing water infrastructure by identifying the extent of the problem and informing comprehensive planning for remediation.
2. Regularly convene the Drinking Water Quality Council and issue new regulations to address emerging contaminants as required by the Public Health Law.
3. Develop a comprehensive approach to improve water quality, protect watersheds, and address surface water impacts such as runoff and nitrates, including sewerage and other infrastructure projects in developed areas. Enforce and strengthen Water Quality Standards to increase the protection of our water bodies. Adopt updated rules and regulations as part of the State's Drinking Water Source Protection Program.
4. Establish engineering planning grants for drinking water infrastructure to help municipalities pay for the initial planning stage of clean drinking water projects eligible for Clean Water State Revolving Fund monies.
5. Establish private well testing to monitor existing and emerging contaminants, as well as resources to treat well water when harmful contaminants are detected.
6. Implement and continue to fund a robust program to address harmful algal blooms in lakes, ponds, and waterways statewide.
7. Protect clean drinking water, human health, and aquatic ecosystems by mitigating the impacts of road salt application on our roadways.

## ■ TOXIC CHEMICALS

1. Enact legislation to require the disclosure of toxic chemicals in consumer products, especially products meant for children.
2. Ban per- and polyfluoroalkyl substances (PFAS) in consumer products, especially products such as cookware, building materials, and waterproof materials that pose the highest risk to human health.



3. Improve the regulation of chemicals in personal care products to better assess their impact on public health and the environment, especially for disproportionately impacted groups, women of color in particular.
4. Adopt legislation or regulations that would curtail the unnecessary usage of neonicotinoid pesticides, including as a seed treatment for corn and soy.
5. Adopt comprehensive policies that restrict hazardous or toxic chemicals, reward innovative green products, and remediate New York's legacy of toxic chemical contamination.
6. Continue to invest in the State's successful green procurement program and extend it to public and private schools, with dedicated assistance for the education sector in utilizing the green procurement portal.
7. Ensure the use of non-toxic materials in the transition to electrified or otherwise decarbonized transportation.

# Natural Resources

New York's spectacular natural resources provide awe-inspiring views and recreational opportunities, keep us healthy, mitigate the impacts of climate change, and make us more resilient to extreme weather events. Our parks, forests, rivers, lakes, and oceans should be protected so future generations can enjoy them.

1. Adopt a 30x30 goal for New York State, protecting against the climate and biodiversity crises by conserving 30% of the state's natural and working lands and water by 2030.
2. Support legislation that enables communities to raise local funds for open space conservation, community preservation, and water quality improvement.
3. Adopt incentives for research, technical assistance, and implementation of climate-resilient forest and land management practices that reduce carbon emissions and sequester atmospheric carbon in soils to help achieve the U.S. Climate Alliance Natural and Working Lands Challenge.
4. Implement and strengthen regional ecosystem programs including the Comprehensive Conservation and Management Plan for the Long Island Sound, the Hudson River Estuary Action Agenda, the Mohawk River Basin Action Agenda, the Delaware River Basin Restoration Program, and other comprehensive Oceans and Great Lakes management initiatives.
5. Add Class C streams, which support fisheries and are ecologically vulnerable, to New York State's Protection of Waters Regulatory Program.
6. Encourage continued development through a statewide planning process for trails that link communities and destinations such as state parks to the existing Empire State trail network. Expand the reach of the Empire State Trail by constructing additional off-road trail segments along the existing route, by completing the Genesee Valley Greenway State Park, and by constructing the Long Island Greenway.
7. Expand equitable public access to outdoor space by scaling up urban-to-rural connections and critical last-mile transportation infrastructure for trails and parks.
8. Invest in trail maintenance for rails-to-trails conversions and other trailways statewide.
9. Enforce a rigorous process for parkland alienation to hold municipal governments accountable and protect parks, playgrounds, and recreation areas from inequitable land swaps and sales.
10. Provide increased visitor education to prevent continued adverse impacts of overcrowding on public health, sensitive habitats, and visitor safety in the Catskill and Adirondack Parks.
11. Adequately fund and implement robust programs to deal with the growing threat of invasive species statewide.
12. Develop a strategy of integrated pest management bringing together biological, cultural, mechanical and chemical options to manage and control pests while minimizing environmental and health risks.
13. Invest in 21st-century water quality monitoring and data collection efforts for New York lakes, rivers and streams.
14. Require publicly-owned buildings to implement bird-friendly building best practices and strategies. Enact "Lights Out" requirements for all buildings in New York State to reduce avian collisions with buildings and support birds during spring and fall migration.



# Agriculture

New York's farm and agricultural lands and soils are precious resources that provide the region with nutritious local food, are the least carbon-intensive type of land use, and can even capture and sequester atmospheric carbon. They must be preserved, grown, and operated sustainably.



1. Accelerate preservation of the state's farmland, strengthen regional foodsheds, and improve clean transportation options available for the movement of farm-fresh food from farm to table, particularly in underserved areas.
2. Support legislation that allows working farms subject to easements acquired with farmland preservation funds to make necessary and appropriate infrastructure improvements related directly and exclusively to farm operations that are in accordance with terms of the easement.
3. Create programs to support new and beginning farmers and continue funding for existing programs including Farmland for a New Generation.
4. Support and expand Farm to School Grants and the Farm to School Reimbursement Incentive, including codifying the 30% Farm to School initiative, and support services to connect schools and other institutions with farms.
5. Develop policies to support pollinator colonies and better understand and prevent pollinator collapse.
6. Proactively work with the agricultural community to reduce on-farm emissions and monetize farm waste through anaerobic digestion.
7. Site renewable energy projects in ways that properly considers impacts on New York's best farmlands, expand research on and support implementation of dual use innovation, and deploy other strategies to minimize net reductions of working farmland.







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#### NEW YORK LEAGUE OF CONSERVATION VOTERS

NYLCV is the only nonpartisan, statewide environmental organization in New York that fights for clean water, clean air, renewable energy, and open space through political action.

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NYLCVEF educates, engages and empowers New Yorkers to be effective advocates for the environment.

