

NEW YORK LEAGUE OF CONSERVATION VOTERS
NEW YORK LEAGUE OF CONSERVATION VOTERS EDUCATION FUND

New York State Policy Agenda

2021



**JULIE TIGHE**

President, NYLCV
and NYLCVEF

Even while responding to the most consequential public health crisis in a generation, New York State made the environment a priority in 2020.

The budget included legislation to encourage the siting of more renewable energy projects, bans on disposable polystyrene and hydrofracking, a fully funded Environmental Protection Fund, and investments in clean water infrastructure projects. The Legislature also passed several of our priority bills including legislation to reduce the use of toxins like Per- and polyfluoroalkyl substances (PFAS), expand protections for small streams, expand parking for electric vehicles, protect parkland, and reduce road salt pollution.

THERE'S STILL MORE TO DO IN 2021.

We must ensure that there is adequate funding for environmental programs because clean air and clean water are not luxuries. And we have a long road in the fight against the climate crisis. We must enact policies to put us on the path to achieve the goals of 2019's historic Climate Leadership and Community Protection Act and these policies must touch across all sectors—transportation, power, manufacturing, agriculture, buildings. We must improve our water and air quality. And we must protect our parks, forests, rivers, lakes, oceans, and other natural resources.

We lay out these priorities and more in this agenda.

Each year, NYLCV and NYLCV Education Fund work closely with New York's leading environmental, public health, conservation, energy, environmental justice, and transportation organizations to identify the state's most pressing priorities. This agenda is the result of that effort.

The 2021 New York State Policy Agenda will drive our advocacy throughout the legislative session and guide the bills we will select for our Legislative Scorecard. It will also help direct our public education programmatic efforts. We focus on four major issue areas: clean transportation, clean energy, recycling, and lead in school drinking water.

We look forward to working with the Governor, State Senate, and State Assembly to build on our recent successes and have another big year for the environment.

A handwritten signature in black ink that reads "Julie Tighe".



Top Priorities

CLEAN TRANSPORTATION

Transportation is the leading source of greenhouse gas emissions in New York. Achieving the CLCPA's target of net-zero emissions by 2050 means we must take aggressive action now. New York should join the interstate Transportation and Climate Initiative, push for as strong of a program as possible, and invest 40% of proceeds in clean transportation in environmental justice communities. New York should also establish a clean fuel standard that makes the dirtiest fuel providers subsidize low- and zero-emission alternatives, including electric trucks, buses and fleets.

CLEAN ENERGY

New York's continued progress toward achieving 70% renewable electricity by 2030 is dependent upon implementing the Accelerated Renewable Energy Growth and Community Benefits Act, including the new Office of Renewable Energy Siting's regulations, supporting new transmission as needed, and advancing clean energy procured by NYSERDA in a timely manner. Energy efficiency standards in building codes and appliances should also be tightened to reduce how much energy we use.

RECYCLING

Waste is an often overlooked part of the climate crisis. The recycling system is facing numerous challenges that must be addressed to make New York's waste management more sustainable. New York should explore a range of short-, medium-, and long-term options to fix the recycling market, including: passing more extended producer responsibility laws; supporting local recycling efforts, including with funding; expanding the Bottle Bill; standardizing a statewide list of recyclable materials; and establishing minimum recycling content requirements.

LEAD IN SCHOOL DRINKING WATER

In 2016, New York became the first state to require all public schools to test for and remediate lead in drinking water. It is time to update the law based on what we have learned since then, including reducing the action level from 15 parts per billion to 5, extending the testing requirement to private schools and day care centers, and changing the testing guidelines to reflect current best practices.

Ensure Adequate Funding for the Environment

The COVID-19 pandemic has had a significant adverse impact on New York's economy and tax revenue. Environmental programs are more important than ever, especially because investments in green projects create jobs. Existing funding for environmental agencies must be preserved in order to protect the environment, public health, and to combat climate change.



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1. Protect the \$300 million Environmental Protection Fund to address significant environmental, land protection, infrastructure, and conservation needs throughout the state without sweeps, raids, staff offloads, or one-shot funds. As the State budget recovers from the recession, increase the Fund to \$500 million by 2025.
 2. Identify existing revenue streams, and plan for new revenue streams, to support implementation of the Climate Leadership and Community Protection Act (CLCPA). Ensure that at least 35% of CLCPA investments benefit environmental justice communities, with a goal of at least 40% of investments benefitting these communities.
 3. Redirect spending from tax benefits and expenditures that benefit fossil fuels to programs that will accelerate the transition to carbon neutrality by 2050.
 4. Continue to allocate \$1 billion in clean water infrastructure funding in the 2021-2022 budget to reduce the backlog of water infrastructure projects, address emerging contaminants, provide ongoing maintenance, and support green infrastructure.
 5. Maintain current staffing levels 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), and the Department of State (DOS). Ensure proper staffing of the new Office of Renewable Energy Siting to meet renewable energy goals.
 6. Reauthorize the \$3 billion Restore Mother Nature Bond Act to support environmentally restorative projects that make New York more resilient to flooding, including buyout programs, setbacks, and green infrastructure, and put it on the ballot for voter approval in 2021.
 7. 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. Implement the New York metropolitan region congestion pricing plan with minimal carve outs, maximum emission reductions, and a robust public education campaign.
 8. Use Regional Greenhouse Gas Initiative auction proceeds exclusively for clean energy and energy efficiency projects and programs.
 9. Extend the Brownfield Cleanup Program tax credits that are due to expire in 2022.

Climate Change

Continue to implement the Climate Leadership and Community Protection Act (CLCPA) in a timely manner to achieve economy-wide carbon neutrality by 2050 and 100% clean energy by 2040. Invest in resiliency to protect vulnerable communities from the changing climate. Focus at least 35% of programmatic benefits in environmental justice communities, with a goal of 40%.



TRANSPORTATION

1. Join the Transportation and Climate Initiative to reduce carbon and other emissions from the transportation sector across participating states, with a clear plan to prioritize investments in environmental justice communities with a minimum investment of 35% and a goal of 40%.
2. Establish a Clean Fuel Standard.
3. Adopt California's revised Clean Air Act vehicle standards, including the Advanced Clean Truck Rule, once they are finalized by the California Air Resources Board to ensure that 100% of new passenger car sales in New York are ZEV by 2035 and 100% of new medium- and heavy-duty vehicles sales are ZEV by 2045.
4. Eliminate the cap on manufacturer-owned zero emission vehicle (ZEV) dealerships.
5. Promote deployment of ZEVs by significantly expanding ZEV infrastructure, increasing government fleet adoption of ZEVs, and continuing incentives to purchase ZEVs. Support the electrification of, and other decarbonization strategies for, transit buses, school buses and other forms of transportation and mass transit.
6. Enact legislation to create a more flexible billing system for electric vehicle charging.
7. Prioritize the Gateway Project, including development of a new rail tunnel between New York and New Jersey and all associated infrastructure on the New York side of the Hudson River.
8. Make communities more walkable and bikeable in order to decrease total vehicle miles traveled by supporting complete streets and expanding the scope of the New York State Complete Streets law to include maintenance and repaving



projects. 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 and provide appropriate infrastructure to support these modes of transportation.
10. Support the expansion of programs and services, such as car sharing, bike sharing, and other alternative modes of transportation that enable greater mobility in areas not served by mass transit and reduce single occupancy vehicle use.
11. Repair and upgrade critical commuter and freight rail lines throughout the state to limit car and truck traffic on local roads and highways. Incentivize zero emission engines 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 nine gigawatts of offshore wind by 2035.

- b. Regulations and incentives to achieve six gigawatts of distributed solar by 2025.
- c. Regulations and incentives to achieve three gigawatts of energy storage by 2030.
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. Amend the CLCPA to include energy from anaerobic digesters in the definition of renewable energy.
4. Implement a price on carbon in the wholesale electricity market and consider applying carbon pricing in other sectors of the economy.
5. Implement the Public Service Commission's energy efficiency mandate in the CLCPA with rigorous evaluation standards.
6. Progressively tighten building energy codes and work with other states to develop building energy codes that provide deep energy savings. Require new appliances to be more energy efficient.
7. Implement a coordinated building decarbonization and energy efficiency strategy, including aggressive goals for electrification, strong incentives, and integrated programs from NYSERDA and utilities. Where electrifying heating is not feasible, replace #6 and #4 heating oil and reduce carbon emissions from buildings that burn natural gas with alternatives that reduce carbon, particulate matter, and other emissions in the most cost-effective manner.
8. Ensure that all tax policies are fairly implemented to support establishment of renewable energy projects. Ensure that the policy framework encourages and integrates new emissions-reducing technologies as they demonstrate their effectiveness.

9. 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.
10. Define and designate “disadvantaged communities” as required by the CLCPA in a timely manner.

WASTE MANAGEMENT

1. Set a statewide goal of reducing waste sent to landfills by 90% by 2040, and enact policies to create a circular economy.
2. 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 specifically address glass and other recyclable materials for use by state agencies and municipalities.
3. Incentivize the reduction of single-use items and reduce or eliminate the use of non-recyclable materials, especially in packaging and food service.

GREEN JOBS AND EDUCATION

1. Develop and fund green jobs training programs, with a focus on environmental justice communities, and communities and industries that are economically dependent on carbon-intensive jobs. Work with 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

Public health can be improved through better air and water quality, the cleanup of contaminated land and environmental media, and limiting the public's exposure to hazardous or toxic substances.



WATER QUALITY

1. Improve the Safe School Drinking Water Act with permanent stringent, up-to-date standards to ensure that public schools with lead-containing fixtures address them in a timely manner. Expand the law to include testing for nursery schools, pre-schools, and private schools, and provide funding for such testing where appropriate.
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. Implement and continue to fund a robust program to address harmful algal blooms in lakes, ponds, and waterways statewide.
5. 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 disclosure of toxic chemicals in consumer products, especially products meant for children.
2. Ban hazardous flame-retardant chemicals in consumer products, building materials, and furniture.
3. Ban per- and polyfluoroalkyl chemicals in consumer products, especially products such as cookware, building materials, and waterproof materials that pose the highest risk to human health.
4. Adopt legislation or regulations that would curtail the unnecessary use 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. Enact legislation to ban toxic coal tar pavement sealers that pollute waterways with polycyclic aromatic hydrocarbons and pose risks to human health.



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. Support legislation that enables communities to raise local funds for open space conservation, community preservation, and water quality improvement.
2. Explore incentives for agricultural practices, and other natural and working lands, that reduce carbon emissions and sequester atmospheric carbon to help achieve the U.S. Climate Alliance Natural and Working Lands Challenge.
3. Implement and strengthen regional ecosystem programs including the Comprehensive Conservation and Management Plan for 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.
4. Add Class C streams, which support fisheries and are ecologically vulnerable, to New York State's Protection of Waters Regulatory Program.
5. Complete the Empire State Trail and encourage continued development through a statewide planning process for trails that link communities and destinations such as state parks to the existing trail network.
6. 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.
7. 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.
8. Adequately fund and implement robust programs to deal with the growing threat of invasive species. Pass legislation making the Aquatic Invasive Species Prevention Act permanent and creating an enhanced aquatic invasive species prevention program for the Adirondack Park.
9. 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.
10. Expand bird-friendly building requirements for new construction and gut renovations statewide and direct state agencies and state-owned buildings to participate in the New York Lights Out Initiative during peak bird migration.



Agriculture

New York's farms 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. Preserve the state's farmland and regional foodsheds and improve transportation options available for the movement of farm-fresh food from farm to table.
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 the Farm to School Reimbursement Incentive, with support services to connect schools 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, monetize farm waste through anaerobic digestion, and site renewable energy projects without 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.

NEW YORK LEAGUE OF CONSERVATION VOTERS EDUCATION FUND

NYLCV Education Fund educates, engages and empowers New Yorkers to be effective advocates for the environment.

