



Steve Englebright
Chair

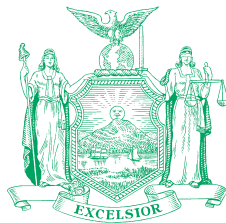
New York State Assembly
Committee on
Environmental Conservation

Room 621 LOB
Albany, NY 12248
518-455-4804

149 Main Street
East Setauket, NY 11733
631-751-3094

englebrights@nyassembly.gov

www.nyassembly.gov



Legislative report from the NYS Assembly Committee on Environmental Conservation

Dear Friend:

As Chair of the Assembly Committee on Environmental Conservation, I have been working to address the many environmental issues facing our State.

This letter summarizes some of the accomplishments of the Committee during the 2022 Legislative Session, including environmental initiatives in the 2022-23 State Budget.

I hope that you find this letter interesting and informative. I look forward to continuing to work on these important issues, and as always, I welcome your thoughts and concerns.

Sincerely,

Steve Englebright

Chair, NYS Assembly Committee on Environmental Conservation



Abundant menhaden such as this individual fish, are back in Long Island waters thanks to an Assembly Bill sponsored by Assemblyman Englebright banning the use of purse seining in New York. Assemblyman Englebright recently joined Dr. Carl Safina, President of the Safina Center, on the waters of Montauk Point to observe the restored ecological health of Long Island's coastal zone. During the trip, dolphins and whales were seen feeding on the vast schools of menhaden- signaling a healthy and thriving ocean.

BUDGET HIGHLIGHTS

Environmental Bond Act of 2022

The Budget increased the Clean Water, Clean Air, and Green Jobs Bond Act to a total of \$4.2 billion. The Bond Act is subject to voter approval in the November 2022 general election and included funding for shoreline restoration and flood risk reduction, water quality improvement and resilient infrastructure, open space land conservation and recreation, and climate change mitigation. The Bond Act also included \$500 million for zero emissions school buses and supporting infrastructure, \$400 million for green building projects, including renewable heating and cooling systems, \$200 million for air and water pollution control in disadvantaged communities, and increased funding for farmland protection and municipal stormwater grants.

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State Budget Highlights *(continued from page 1)*

Wetlands

The Budget updated the Department of Environmental Conservation’s (DEC) wetlands oversight, including phasing in decreased minimum regulated acreage from 12 acres to 7.4 acres, and added oversight of wetlands of “unusual importance.” Wetlands of unusual importance include wetlands in urban areas, those that provide habitat for endangered or threatened species, and those of significant importance in protecting the State’s water quality. The Budget also clarified that landowners can

seek a determination from DEC regarding whether a wetland is regulated and/or the activity is subject to permitting requirements.

Environmental Protection Fund (EPF)

The EPF was funded at \$400 million, an increase of \$100 million above prior years, and supported traditional EPF programs such as climate smart community projects, waterfront revitalization, municipal recycling, water quality improvement, and farmland protection.

The table below provides a detailed description of the allocations within the individual EPF accounts.

ENVIRONMENTAL PROTECTION FUND (EPF) \$ (in millions)

EPF Category	2022-23	
Climate Change Mitigation and Adaptation	42.550	
Greenhouse Gas Management.....	2.500	
State Climate Adaptation Projects.....	5.300	
Smart Growth.....	3.000	
Climate Resilient Farms Program.....	16.750	
Climate Smart Community Projects	15.000	
Open Space	184.585	
Land Acquisition.....	40.000	
Albany Pine Bush Commission.....	3.000	
LI Pine Barrens Commission.....	2.500	
Environmental Commissions.....	1.085	
LI South Shore Estuary Reserve.....	1.000	
Ag. Non-Point Source Pollution Control	20.000	
Non-Ag Non-Point Source Pollution Control	6.200	
Farmland Protection	21.000	
Biodiversity Stewardship	1.750	
Hudson River Estuary Plan	7.500	
Finger Lake; Lake Ontario Watershed	2.500	
Delaware River Basin Restoration Program.....	.300	
Lake Erie Watershed Protection.....	.250	
Water Quality Improvement Program.....	22.000	
Oceans and Great Lakes Initiative	22.500	
Invasive Species	17.000	
Soil and Water Conservation Districts.....	14.500	
Agricultural Waste Management	1.500	
Parks and Rec	117.990	
Waterfront Revitalization	16.500	
Municipal Parks.....	26.000	
Public Access and Stewardship	48.690	
Hudson River Park	4.800	
ZBGA	20.000	
Waterway Law Enforcement.....	2.000	
Solid Waste	54.875	
Landfill Closure/Gas Management750	
Municipal Recycling	19.000	
Secondary Marketing.....	.650	
Pesticide Database	1.500	
Environmental Justice	13.000	
Natural Resources Damages	1.775	
Pollution Prevention Institute	4.250	
Environmental Health.....	10.000	
Brownfield Opportunity Area Grants	3.950	
Total	400.000	



Speaker of the New York State Assembly Carl E. Heastie recently attended a community forum hosted by Assemblyman Steve Englebright at the Gordon Heights Fire Department during the Speaker’s Summer Tour of Long Island. Attendees were invited to ask questions and discussed various topics including the Clean Air, Clean Water, and Green Jobs Bond Act, the Climate Leadership and Community Protection Act, electric car charging stations, sewer systems, solar panel efficiency, storage batteries, airplane engine emissions, the Brookhaven Landfill, and other environmental issues facing the community members of Gordon Heights. Pictured L-R: Gordon Heights Civic Association President James Freeman, Speaker of the New York State Assembly Carl E. Heastie, community leader Lillie Crowder, Assemblyman Steve Englebright, community leader Rabia Aziz, and Brookhaven Town Councilmember Jonathan Kornreich.

HIGHLIGHTED LEGISLATION

Increased Land and Water Conservation (A.5390-B)

Scientists warn that in order to bolster resilience to climate change and help prevent mass extinctions of species we must preserve 30% of our lands and water systems globally by 2030. This bill, which passed both Houses, directs the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation to develop strategies to conserve at least 30% of the State's land and water by 2030. This conservation would include consideration of community needs across the State including farmland preservation, increasing climate resilience by reducing risk from flooding, and protecting water quality.

Moratorium on Energy-Intensive Cryptocurrency Mining (A.7389-C)

Successfully competing in the cryptocurrency proof of work mining process requires the use of increasing amounts of computational power. This has led to a rapidly growing industry of cryptocurrency "miners" who run large-consolidated operations of thousands of computers operating 24 hours a day to validate as many transactions as possible. Given the high energy demands, cryptocurrency mining companies have been reactivating shuttered fossil fuel power plants to access electricity production at reduced costs. This could prevent the State from meeting the goals of the CLCPA, including the goal of reducing greenhouse gas emissions by 85% of 1990 levels by 2050.

This bill, which passed both Houses, would establish a two-year moratorium prohibiting the Department of Environmental Conservation (DEC) from issuing new air permits for such sites.

Birds and Bees Protection Act (A7429-A)

The Assembly passed legislation to protect pollinators from neonicotinoid pesticides ("neonics"). The bill would prohibit the sale and use of selected neonic-treated seeds that are threatening pollinator and bird populations, contaminating water and soil and may be dangerous for human health.

"Neonicotinoid pesticides are the most commonly used insecticides worldwide, and designed to spread throughout plants, making the whole plant toxic to insects," said Assemblyman Steve Englebright, Chair of the Assembly Environmental Conservation Committee and Assembly sponsor of the Birds and Bees Protection Act. "That makes them not only good at killing pests, but also bees, butterflies, and every other kind of insect with devastating effects on birds and fish too. It also makes them able to spread through our environment, contaminating water and even our own bodies. That's why I am sponsoring the Birds and Bees Act --to protect New York's people, pollinators, and ecosystems."

In June 2020, Cornell University released a state-funded report that provided a comprehensive risk-benefit analysis of neonicotinoid insecticide use in New York State. Although it didn't contain a specific legislative recommendation, the report's findings provided science-based validation for the approach this legislation takes in regulating and restricting uses of neonicotinoid insecticides, which include clothianidin, imidacloprid, thiamethoxam, and acetamiprid. The report notes these pesticides pose a risk to pollinators "due to their

high toxicity, systemic activity in plants...and relatively lengthy persistence in the environment."

The bill would also ensure that the State is doing its part to protect pollinators by prohibiting the use of neonicotinoid insecticides on ornamental plants and turf, excepting agricultural products and instances where DEC determines that the use of such insecticides is necessary to manage, control or prevent invasive species.

"Scientific studies in recent years paint an increasingly scary picture of neonic pesticide impacts," added Dan Raichel, Acting Director of NRDC's Pollinator Initiative. "We've long known neonics kill bees, but we now see links between neonics and mass losses of birds, the collapse of fisheries, developmental risks in people, and vast water contamination in New York."

The legislation awaits action in the Senate.



The National Caucus of State Legislators recently awarded Assemblyman Steve Englebright the Leon G. Billings Award for Environmental Achievement. Assemblyman Englebright said, "This award, which is a first for a New Yorker, is a tribute to Speaker Carl Heastie and the Environmental Conservation Committee, the composition of which is superb and a reflection of the Speaker's commitment to the environment."

HIGHLIGHTED LEGISLATION (cont'd)

Enhanced Stream Protections (A.6652)

Class "C" waterways, which are waters designated to support fisheries and non-contact activities like boating and fishing, are not currently afforded the oversight and protections that are provided to Class A and B streams. However, these waterways provide critical natural habitat for fish like trout, groundwater and aquifer recharge, recreational fishing and boating, flood control, and filter harmful pollutant. This bill, which passed both Houses, would help ensure the more than 40,000 miles of Class C streams would receive the same protections as Class A and B streams, further protecting the State's water quality.

Equitable Siting of Environmental Facilities (A.2103-D)

There has been a longstanding inequitable pattern in the siting of environmental facilities in minority, disadvantaged and economically distressed communities, which has resulted in those communities bearing a disproportionate and inequitable burden. This bill, which has passed both Houses, would require those burdens to be considered as part of the State Environmental Quality Review Act (SEQRA) review process and when DEC makes permitting decisions under the Environmental Conservation Law's Uniform Procedure Act.

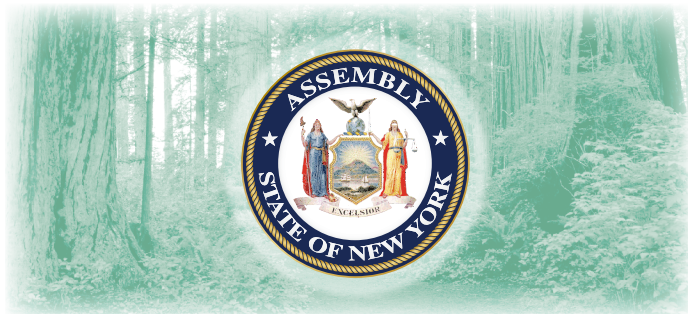
Improving Recycling

Increased recycling will help preserve existing landfill space, decrease greenhouse gas emissions, and encourage sustainability in product design. Two bills addressed recycling this session:

Establishing a Statewide Recycling Goal (A.4117)

This bill, which passed both Houses, would establish a State goal to source reduce, reuse, recycle, or compost no less than 85% of the solid waste generated in the State by 2032. Similar commitments have been made in other states as a way to ensure recycling remains a primary policy consideration. California has a statewide approach to decrease reliance on landfills and set a goal of 75% for recycling, composting and solid waste reduction by this year. The European Union also has targets for recycling 65% of municipal waste, 75% of packaging waste and reducing municipal waste in landfills to a maximum of 10% by 2030.

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Improving Recycling (cont'd)

Carpet Collection (A.9279-A)

The Environmental Protection Agency has previously estimated that every year an estimated five billion tons of carpet waste goes into landfills, an amount equal to roughly 17 pounds per person. Between 94 and 100 percent of carpet is typically made from plastic. In addition to requiring the use of petroleum products for production, discarded carpet also takes up a significant amount of landfill space. However, carpet can be recycled. Recycling rates are currently very low partly because the costs are slightly higher than virgin plastic, making it difficult to compete economically.

This legislation, which passed both Houses, would require carpet manufacturers to be responsible for costs associated with carpet collection as has been the case with other products including electronic waste. In addition, this legislation would prohibit the use of PFAS on carpets.