



COMMITTEE ON
Environmental Conservation

2019 ANNUAL REPORT

NEW YORK STATE ASSEMBLY



CARL E. HEASTIE, *Speaker*

STEVE ENGLEBRIGHT, *Chairman*



STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIRMAN
Committee on Environmental Conservation

COMMITTEES
Education
Energy
Higher Education
Rules

COMMISSIONS
Science and Technology
Water Resource Needs of Long Island

MEMBER
N.Y.S. Heritage Area Advisory Council

December 15, 2019

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2019 Annual Report of the Assembly Standing Committee on Environmental Conservation.

This report describes the legislative actions and major issues considered by the Committee and sets forth our goals for future legislative sessions. The Committee addressed several important issues this year including a ban on single-use plastic bags, a prohibition on the use of 1,4-dioxane in certain products, a constitutional amendment establishing the right to clean drinking water, clean air and a healthful environment and funding for clean water infrastructure projects. Notably, the Committee's commitment to addressing climate change culminated in the passage of the historic Climate Leadership and Community Protection Act. In addition, the Committee held hearings on climate change, recycling and the environmental footprint of colleges and universities in New York State.

Under your leadership and with your continued support of the Committee's efforts, the Assembly will continue the work of preserving and protecting New York's environmental resources during the 2020 legislative session.

Sincerely,

Steve Englebright, Chairman
Assembly Standing Committee on
Environmental Conservation

2019 ANNUAL REPORT
OF THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION

Steve Englebright, Chairman

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COMMITTEE RESPONSIBILITIES

The Assembly Standing Committee on Environmental Conservation has jurisdiction over legislation affecting State environmental policy. The Committee considers bills amending the Environmental Conservation Law (ECL), Executive Law, Soil and Water Conservation Districts Law, and Navigation Law.

The primary concerns of the Committee are pollution prevention and control, resource management, and environmental quality issues. The Committee also monitors the activities and enforcement of environmental laws by the Department of Environmental Conservation (DEC). During the 2019 Legislative Session, the Committee considered 416 bills, acting favorably on 100, with 47 becoming law.

MAJOR ISSUES OF 2019

A. BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2019-20 Enacted Budget included over \$1.5 billion in funding for environmental programs as well as monies for drinking water, wastewater infrastructure, and recycling programs. Additional details about the Enacted Budget follow.

Plastic Bag Ban

Over 23 billion plastic bags are used annually in New York, bringing with them significant environmental impacts. Single-use plastic bags consume large amounts of fossil fuels and are difficult to recycle through municipal recycling programs, frequently jamming sorting machines in material recovery facilities. Since the passage of the New York State Plastic Bag Reduction, Reuse, and Recycling Act in 2009, some retailers have been required to collect plastic bags for recycling, but these programs have recovered a relatively small number of plastic bags; more often, plastic bags end up in landfills or as litter in streams and waterways.

The New York State Bag Waste Reduction Act included in the 2019-2020 State Budget prohibits retailers from distributing single-use plastic bags to consumers beginning March 1, 2020. The ban exempts plastic bags used to carry bulk items like fruit, vegetables and sliced meats, newspaper bags, trash bags, food storage bags, garment bags, prepackaged bags for sale, prescription medication bags, and bags provided by restaurants. Counties and cities are authorized to adopt a local law imposing a five-cent fee on paper bags, with 40 percent of fees collected going to the local government for purchasing and distributing reusable bags to low-income individuals, and the remaining 60 percent deposited in the Environmental Protection Fund (EPF).

Food Waste Reduction

Large restaurants and institutions in New York generate significant amounts of food waste. The food waste is typically sent to landfills where it releases methane, a potent greenhouse gas; however, some of what is discarded is still safe for consumption. The 2019-2020 State Budget included legislation to require food scrap generators, defined as producers generating at least two tons of food scraps per week, to separate edible food for donation, and food scraps for recycling if the producer is located within 25 miles of an organics recycling facility. This law will help reduce food waste, preserve landfill space, and encourage the growth of organics recycling.

Clean Water Funding

In 2008, DEC estimated the total cost to replace and repair wastewater infrastructure would be \$36.2 billion over the next twenty years, and a similar assessment of drinking water infrastructure by the Department of Health estimated the costs for repair and replacement would be \$38 billion over the next twenty years. To assist municipalities with the expenses associated with wastewater and drinking water repairs, the Legislature passed the Clean Water

Infrastructure Act as part of the 2017-2018 State Budget, appropriating \$2.5 billion to fund water infrastructure projects.

The 2019-2020 State Budget included an additional \$500 million in funding for clean water infrastructure projects. Funding may be used for the types of clean water infrastructure projects authorized in 2017 including drinking water and sewer treatment infrastructure construction, replacement, or repair.

Gifts to DEC

The 2019-2020 State Budget included legislation allowing DEC to accept gifts for the maintenance of educational and recreational facilities, and to promote stewardship, as well as solicit gifts from private philanthropic groups and not-for-profit corporations for capital improvement projects. Projects and facilities that could be funded by these gifts include campgrounds, fish hatcheries, historic areas and facilities, kiosks, signage, programs for developing roads and trails, and programs to facilitate access for individuals with disabilities. DEC is prohibited from accepting gifts from individuals or entities who are involved in litigation or settlement negotiations with DEC, have a pending permit or license application, or are subject to a consent order.

Environmental Protection Fund

The EPF was funded at \$300 million and included funding for traditional EPF programs such as waterfront revitalization, municipal recycling, water quality improvement, and farmland protection. The Assembly ensured that no less than 25 percent of the EPF funds appropriated for local waterfront revitalization and municipal parks projects will be made available for projects in densely populated or low-income communities that are underserved with respect to existing recreational opportunities in the area. The Assembly also successfully rejected language in the Executive Budget that would have allowed EPF monies to be used for DEC staff.

The table on the following page provides a detailed description of the allocations within the individual EPF accounts.

ENVIRONMENTAL PROTECTION FUND (EPF)

\$(in millions)

EPF Category	2019-20
Solid Waste Account	37.725
Municipal Recycling	14.000
Pollution Prevention Institute	4.000
Secondary Markets	.200
Environmental Health	6.500
Natural Resource Damages	2.025
Pesticide Database	1.800
Landfill Closure/Gas Management	.700
Environmental Justice Grants	7.000
Brownfield Opportunity Area Grants	1.500
Parks, Recreation and Historic Preservation Account	88.200
Waterfront Revitalization	14.500
Municipal Parks	19.500
Hudson River Park	3.200
Stewardship	33.000
Zoos, Botanical Gardens, and Aquaria	16.000
Local Navigation Law Reimbursement	2.000
Open Space Account	153.425
Land Acquisition	33.087
Environmental Commissions	1.063
Farmland Protection	18.000
Agricultural Waste Management	1.500
Biodiversity	1.350
Albany Pine Bush	2.675
Invasive Species	13.300
Long Island Pine Barrens Commission	2.000
Ocean and Great Lakes	17.250
Water Quality Improvement	17.750
Long Island South Shore Estuary Reserve	.900
Non-point Source Pollution Control	25.000
Soil and Water Conservation Districts	10.500
Finger Lakes - Lake Ontario Watershed	2.300
Hudson River Estuary Management	6.500
Lake Erie Watershed Protection Alliance	.250
Climate Change Mitigation/Adaptation Account	20.650
Greenhouse Gas Management	1.500
Climate Smart Community	10.650
Smart Growth	2.000
State Climate Adaptation Projects	2.000
Climate Resilient Farms	4.500
Total	300.000

B. ENVIRONMENTAL QUALITY

Environmental Impact Zone Designation

(A.1779 Peoples-Stokes; Veto Memo 136)

This legislation would require the DEC to publish a list of “high local environmental impact zones” that would be defined as areas of the State that are most adversely impacted by existing environmental hazards. In compiling the list, DEC would consider potentially adverse environmental impacts within an area, such as releases of toxic chemicals and petroleum discharges, the quantities of emissions, discharges and stored waste authorized by permit, amount of pesticides sold and used, proximity of water bodies, and air quality.

Environmental Justice Advisory Group

(A.1564 Peoples Stokes; Chapter 735 of the Laws of 2019)

This law, which is linked to the Climate Leadership and Community Protection Act, establishes a permanent Environmental Justice Advisory Group and Environmental Justice Interagency Coordinating Council to ensure State decision-making does not result in a disproportionate environmental impact on disadvantaged communities. Within one year of the effective date, the Environmental Justice Advisory Group is tasked with developing a model environmental justice policy for state agencies, ensuring agencies are following State and Federal environmental justice policies, and providing comments and expertise to agencies on actions related to environmental justice. State agencies engaged in activities significantly effecting the environment are required to adopt model environmental justice policies, appoint an environmental justice coordinator, and develop an environmental justice training plan. The Environmental Justice Interagency Coordinating Council will produce annual reports on the effectiveness of agency environmental justice policies, and serve as a clearinghouse for information on environmental justice policies.

Paint Stewardship

(A.6373 Englebright; Chapter 673 of the Laws of 2019)

The Product Stewardship Council estimates that over 10 percent of paint sold in New York is unused, resulting in an estimated 3.9 million gallons of unused paint every year. There are limited disposal and recycling opportunities for unused paint, resulting in most being collected by household hazardous waste collection programs. This law will require producers of residential paint to implement a program to collect, transport and encourage the reuse and recycling of postconsumer paint.

Mercury-Containing Floors

(A.7986 Griffin; Chapter 565 of the Laws of 2019)

Rubber-like polyurethane flooring is commonly used in school gymnasiums. Certain flooring installed between the 1960s and 1990s used phenyl mercuric acetate (PMA) catalysts, which over time can break down and release harmful mercury vapor. Mercury vapor emitted from flooring prompted schools to close several gymnasiums including those in the Amityville, Merrick and

Miller Place school districts this year. This legislation prohibits the installation of a new mercury-containing floor or installation of flooring over existing mercury-containing flooring, and sets a maximum time-weighted average mercury vapor exposure allowed for students and faculty.

C. HAZARDOUS WASTE MANAGEMENT

Mercury Content of Light Bulbs

(A.2501-A Englebright; Chapter 647 of the Laws of 2019)

The amount of mercury contained in compact fluorescent light bulbs varies by manufacturer. The European Union and several states have adopted laws that establish standards for the maximum amount of mercury that can be contained in light bulbs. This law establishes similar mercury content limits and strengthens disposal provisions.

D. FISH AND WILDLIFE

Protecting Biodiversity

(A.6520 Englebright; Chapter 661 of the Laws of 2019)

Plum Island, Great Gull Island, and Little Gull Island are isolated from Long Island and the mainland, and their geological formations and surrounding waters provide important habitat for marine mammals, sea turtles, and many other plants and animals. The islands are of unique and significant physical and biological character, qualities and values, supporting important marine species. This bill would further recognize the islands' importance, and provide additional protections to the diverse and important marine mammal and sea turtle species.

This bill, while still allowing fishing, would amend the Environmental Conservation Law to:

- designate the area from mean high water seaward fifteen hundred feet around Plum Island, Great Gull Island and Little Gull Island as a Marine Mammal and Sea Turtle Protection Area;
- define the Marine Mammal and Sea Turtle Protection Area to mean:
 - a site providing habitat to species including harbor seals, gray seals, harbor porpoises, and sea turtles;
 - the presence of a State-designated natural protective feature; and,
 - location within the boundaries of two estuaries of national significance;
- authorize DEC to adopt regulations preventing the harassment, and providing for the protection, of marine mammals and sea turtles; and,
- establish a Marine Mammal and Sea Turtle Protection Area Advisory Committee.

Menhaden Protections
(A.2571 Englebright; Chapter 28 of the Laws of 2019)

Menhaden are critical to New York's coastal ecosystem, serving as a source of food for whales, dolphins, coastal sharks, predatory fish, seals, and seabirds. A single humpback whale can eat thousands of pounds of menhaden per day. Menhaden are also used as bait fish by recreational and commercial fisherman, and are used in fish meal and oil-based products. In 2012, menhaden had been fished to a fraction of their historical levels, prompting the Atlantic States Marine Fisheries Commission to make efforts to restore the menhaden population. As a result of these efforts, menhaden have been returning to New York's coastal waters in historic numbers.

As the menhaden population grows, it is important to sustainably manage this keystone species. Purse seines are large nets that encircle schools of fish and close at the bottom, capturing the school. To protect the growing menhaden population, this law prevents the commercial fishing of menhaden with purse seines.

Misdemeanor for Hunting, Trapping or Fishing with a Suspended License
(A.6219-A Ryan; Chapter 532 of the Laws of 2019)

It is a violation of the Environmental Conservation Law to hunt, trap, or fish with a suspended license, but there are still instances when individuals with a suspended license engage in these activities. This law makes hunting, trapping, or fishing when an individual's license has been suspended for certain violations a misdemeanor, creating a stronger deterrent for individuals engaging in these activities with a suspended license.

Interstate Wildlife Violator's Compact
(A.3217 Cook; Chapter 496 of the Laws of 2019)

New York currently participates in the Interstate Wildlife Violators Compact with 44 other states. The compact is intended to recognize wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess wildlife. Participating states are required to suspend the hunting, fishing, or trapping license of any person whose license is suspended in another state. This law modifies the penalty provisions of the Environmental Conservation Law to clarify that DEC has the authority to revoke an individual's license in New York for the same privileges and duration as the state where the violation occurred.

Urban and Suburban Coyote Management
(A.3199-C D’Urso; Veto Memo 159)

With few competing predators, the coyote population in New York has grown, leading to conflicts between humans and coyotes in urban and suburban communities. This legislation would require DEC to deliver a report to the Governor and Legislature, by January 1, 2022, that describes current management efforts taken to control the coyote population, identifies urban and suburban communities with high concentrations of coyotes, and evaluates control methods other than traditional hunting that could be used to manage the coyote population.

Gift Cards for Hunting, Fishing and Trapping Licenses
(A.2050 Gunther; Veto Memo 137)

DEC has the authorization to establish gift cards for hunting, fishing, and trapping licenses and privileges, but has yet to issue gift cards for any license or privilege. This legislation would require DEC to establish rules and regulations for the creation of these gift cards.

Authorizing Cull Permits for Nuisance Wildlife
(A.1599 Hunter; Veto Memo 150)

In certain instances, wildlife can become a nuisance to communities, damaging public and private property and posing a risk to public safety. In order to effectively address nuisance wildlife, this legislation would allow DEC to issue cull permits to certified nuisance wildlife specialists, permitting them to use normally prohibited hunting methods to control nuisance wildlife, such as bait piles and jacklighting.

E. ENVIRONMENTAL ENFORCEMENT

Hunting While Intoxicated
(A.3471 Zebrowski; Chapter 388 of the Laws of 2019)

Since 2002, New York law has provided that a motor vehicle driver with a Blood Alcohol Content (BAC) level of .08% or more is intoxicated. In 2003, the State’s "boating while intoxicated" provisions were amended to conform to this BAC standard. These changes were based in part on studies which determined that this level of alcohol in an individual's bloodstream can result in substantially impaired motor skills, perception, and judgment. These are also critical skills used in hunting.

Several other states, including Maine, Minnesota, New Hampshire, and West Virginia, have amended their laws in recent years to set a .08% BAC level for the definition of “hunting while intoxicated.” An individual who is too intoxicated to drive a car or pilot a boat is also unfit to engage in hunting. This law will lower the BAC for hunting while intoxicated to .08%, from the existing .10% BAC, to ensure a consistent standard for intoxication in State law.

F. PETROLEUM MANAGEMENT

Prohibiting Offshore Oil Drilling

(A.2572 Englebright; Chapter 29 of the Laws of 2019)

The United States Department of the Interior announced plans on January 4, 2018, for the expansion of natural gas and oil drilling in the Atlantic Region and the implementation of the “2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program” by the Bureau of Ocean Energy Management (BOEM).

This law will prohibit the leasing of State-owned underwater coastal lands for oil and natural gas drilling and exploration, and prevent DEC and the Office of General Services from authorizing leases to increase oil and natural gas production from federal waters. With this prohibition, New York’s laws regulating oil and natural gas drilling will be reinforced, helping to ensure that the State’s coastal management practices are effective and endangered/threatened species and commercial fishing industries of the State are protected.

G. WATER CONSERVATION AND QUALITY

Constitutional Amendment for the Right to Clean Air, Water and a Healthful Environment

(A.2064 Englebright; Delivered to the Secretary of State)

Ongoing water contamination and air quality concerns have highlighted the importance of clean drinking water and clean air as well as the need for additional environmental protections. This proposed constitutional amendment would follow the examples established in the state constitutions of Pennsylvania, Hawaii, Massachusetts, and Montana by ensuring that clean air and water are treated as fundamental rights for all New Yorkers. If passed by two successively elected Legislatures and approved by the voters, this concurrent resolution would amend the State Constitution’s bill of rights to include a right to clean air, water and a healthful environment.

Water Saving Performance Standards

(A.2286 Hunter; Chapter 578 of the Laws of 2019)

In 2006, the federal Environmental Protection Agency (EPA) released voluntary manufacturing guidelines for water-efficient bathroom fixtures under a program called "Water Sense." These voluntary guidelines have higher performance standards than those currently contained in State law for replacement fixtures. At least four other states, including California and Texas, have made the EPA’s standards mandatory. This law will incorporate the EPA’s water conservation standards for bathroom fixtures, such as toilets and faucets, in State law.

Public Access to Water Supply Permits
(A.6244 Englebright; Chapter 458 of the Laws of 2019)

Public drinking water is an important natural resource. DEC provides oversight of water resources, permitting access to public wells, limiting pumping capacity, and issuing monitoring reports. This law will require DEC to publish additional water permit information online to facilitate greater public access.

1,4-dioxane Prohibition
(A.6295-A Englebright; Chapter 613 of the Laws of 2019)

The Environmental Protection Agency has identified 1,4-dioxane as a “likely carcinogen to humans.” 1,4-dioxane is used as an industrial solvent and is also frequently found as a contaminant formed during the manufacturing of consumer products including cosmetics, detergents, deodorants, and shampoos. Once these consumer products are used, the 1,4-dioxane enters drinking water. Elevated 1,4-dioxane levels have been found in drinking water, with the highest levels of 1,4-dioxane in the country found on Long Island. This law limits the amount of 1,4-dioxane entering the environment by prohibiting household cleansing products, cosmetics, and personal care products from containing more than trace amounts.

Neighbor Notification of Proposed Wetland Development
(A.4454 Cusick; Passed the Assembly)

Current law requires any person proposing to conduct a regulated activity upon a wetland, such as the draining, dredging or excavation of soil or building a road or structure, to file an application. Notice of such applications is filed with municipalities which then notify adjacent landowners. This legislation would expand the notice requirement in a municipality with a population of one million or more to include notice to all property owners within 1,000 feet of the proposed activity.

Flood Mitigation Council
(A.7456-A Otis; Veto Memo 251)

Communities across New York face frequent and severe flooding, often requiring critical coordination between all levels of government to provide assistance. This legislation establishes the Flood Mitigation Council, consisting of representatives from relevant State agencies and at-large members appointed by the Legislature representing flood-prone municipalities and counties. The Council is tasked with evaluating the best practices for protecting communities from flooding, including inland flooding, and delivering a report to the Governor and Legislature no later than December 31, 2020.

Ocean Acidification Task Force
(A.2573 Englebright; Chapter 398 of the Laws of 2019)

The New York State Ocean Acidification Task Force was established in 2016 to assess the potential impacts of ocean acidification and make recommendations on how the State and local governments can combat and adapt to ocean acidification. To allow the Task Force to continue its work, this law extends the deadline for the Task Force’s final report until December 31, 2022, and requires the Task Force to prepare an interim report by December 31, 2021.

H. FOREST AND LAND RESOURCES

Central Pine Barrens
(A.8135 Englebright; Chapter 584 of the Laws of 2019)

The Long Island Central Pine Barrens is one of only a few pine barrens in the world. It provides a biodiverse ecosystem for plant and animal species, and overlays a large portion of Long Island’s sole source aquifer, recharging Long Island’s only source of drinking water. This law is a technical amendment clarifying that a specific parcel of land is included within the Pine Barren boundaries.

Establishing a Health and Safety Land Account
(A.8136 Englebright; Chapter 287 of the Laws of 2019)

In 2017, voters approved a constitutional amendment authorizing the creation of a 250-acre Health and Safety Land Account for necessary municipal infrastructure improvements such as bridge and highway safety improvements, highway relocation, and wells for drinking water. Before this land can be removed from the Adirondack and Catskill Forest Preserves and used by municipalities, at least 250 acres must be acquired by the State as replacement land for inclusion in the Forest Preserve. The acquisition is subject to Legislative approval.

This law specifies the land being acquired to meet the requirement. The two parcels of land are located in Ulster and Essex Counties and total approximately 1,420 acres exceeding the 250-acre requirement.

I. CLIMATE CHANGE

New York State Climate Leadership and Community Protection Act
(A.8429 Englebright; Chapter 106 of the Laws of 2019)

Climate change is adversely impacting New York’s public health, natural resources, environment and economy. Climate change heightens the vulnerability of disadvantaged communities, resulting in even greater disproportionate environmental and socioeconomic burdens. The severity of current climate change and the threat of more severe changes will be impacted by the actions undertaken by New York and other jurisdictions to reduce greenhouse gas emissions.

New York's efforts to reduce greenhouse emissions will encourage other states to implement complementary greenhouse gas reduction strategies and provide a model for how such strategies can be effectively implemented. New York's actions will also advance the development of green technologies and sustainable practices within the private sector, which can have far-reaching impacts including a reduction in the cost of renewable energy components, and the creation of jobs and tax revenues in New York.

This law:

- puts New York on track to minimize the adverse impacts of climate change through a combination of measures to reduce statewide greenhouse gas emissions and increase the resiliency of the State with respect to the impacts and risks of climate change that cannot be avoided;
- shapes the ongoing transition in the State's energy sector to ensure that it creates good jobs and protects workers and communities that may lose employment in the current transition;
- prioritizes the safety and health of disadvantaged communities, and controls potential regressive impacts of future climate change mitigation and adaptation policies on these communities; and,
- reviews and prioritizes the allocation of certain public investments.

New York City Seawall Study Commission
(A.2257-A Barnwell; Veto Memo 242)

New York City is increasingly at risk from hurricanes and powerful storms, and Hurricane Sandy demonstrated the damage that flooding and storm surges can cause in vulnerable coastal communities. This legislation establishes the New York City Seawall Study Commission to determine the feasibility, costs, and best locations for constructing a seawall or sea gate to protect New York City, and report on its findings by December 31, 2022.

J. CHEMICALS

Lead Jewelry Labeling
(A.6041 Ryan; Chapter 671 of the Laws of 2019)

The United States Environmental Protection Agency has identified lead as a probable human carcinogen, and exposure to even very low levels of lead can cause brain function impairment. Children are particularly vulnerable, and exposure has been linked to IQ, learning, memory and behavior impairments, and no level of lead exposure has been found to be safe for a developing child.

The federal government has pre-empted states from establishing lead content for children's products. However, this law will require children's jewelry with a certain lead content to be identified with a label stating "Warning: contains lead. May be harmful if eaten or chewed."

Chlorpyrifos Prohibition
(A.2477-B Englebright; Veto Memo 193)

Scientific studies have proven that the pesticide chlorpyrifos impairs the central nervous system. Chlorpyrifos exposure has been linked to neuropsychological effects such as speech, memory, attention, and coordination difficulties. Despite such health risks, the use of chlorpyrifos has increased over the years as the use of DDT has waned. The federal Environmental Protection Agency (EPA) banned the indoor use of chlorpyrifos in 2001. In 2014, the EPA conducted an assessment of the risks of chlorpyrifos and found the potential for unsafe exposure, prompting the EPA to propose revoking all tolerances for chlorpyrifos and prohibiting its use. A further EPA risk assessment was conducted in 2016 and confirmed individuals were potentially exposed to unsafe levels of chlorpyrifos solely through food residue, drinking water, and post-application exposure. This bill would phase out the use of chlorpyrifos. The aerial application of chlorpyrifos would be eliminated beginning January 1, 2020, application of chlorpyrifos other than to apple tree trunks would be eliminated beginning January 1, 2021, and all applications of chlorpyrifos would be eliminated beginning December 1, 2021.

Child Safe Products
(A.6296-A Englebright; Awaiting action by the Governor)

Modern manufacturing introduces a variety of potentially harmful chemicals into toys and other products marketed to children. Currently, New York identifies or prohibits the use of dangerous chemicals on a chemical-by-chemical basis. This approach is especially problematic for children's products since children are often more vulnerable to smaller amounts of chemicals. Several other states, including Washington and Maine, have adopted policies requiring manufacturers to disclose potentially harmful chemicals in children's products after finding high levels of cadmium, lead and other dangerous chemicals in children's products. This legislation is similar. More specifically, this legislation would establish lists of chemicals of concern and dangerous chemicals. Manufacturers would be required to report if children's products contain dangerous chemicals or chemicals of concern within 12 months of the chemical appearing on either list, unless they are issued a waiver by DEC. Manufacturers would be prohibited from selling products containing a dangerous chemical three years after the chemical is added to the list. DEC would be required to make the information publicly available online.

K. DEPARTMENTAL POWERS

Protecting Vulnerable Animal Species
(A.6600 Englebright; Chapter 651 of the Laws of 2019)

A 2018 investigation by the Humane Society found that over 40,000 giraffe parts have been imported into the United States over the past decade and sold as trophies or exotic hides and leathers, contributing to a 40% decline in the giraffe population in the last 30 years. In order to protect giraffes and other animals that are not currently designated as threatened or endangered species from excessive future population loss, this law allows DEC to designate species as vulnerable species and prohibit the trade of any article made from a part of a vulnerable species. Antiques or items for scientific and educational purposes are exempted from the prohibition.

Organ Donor Registry through License Applications and Renewals
(A.7915-A Magnarelli; Passed the Assembly)

Today, nearly 10,000 New Yorkers are waiting for lifesaving organ transplants, while only 22 percent of eligible New Yorkers are enrolled in the State's organ donation program. New Yorkers are currently able to register as organ donors through the Department of Health, the Department of Motor Vehicles, and the Board of Elections. This legislation would provide another opportunity for individuals to register as organ donors when applying for or renewing hunting, fishing, or trapping licenses.

Reporting Funding for Individuals with Disabilities
(A.8056 Epstein; Chapter 546 of the Laws of 2019)

The natural terrain of our State's parks and forested lands can make accessing these resources difficult for some individuals with disabilities. This law requires inclusion in DEC's quarterly fiscal reporting of the percentage and amount of funding used to facilitate access for individuals with disabilities to DEC and Office of Parks, Recreation and Historic Preservation owned and managed facilities.

L. INVASIVE SPECIES

Extending Management of Aquatic Invasive Species
(A.7692 Englebright; Chapter 81 of the Laws of 2019)

Aquatic invasive species are often introduced to water bodies by boats or other vessels coming from waters with invasive species present. These species can have a detrimental effect on water quality and the environment, competing with native species and often permanently altering the ecosystems they enter. This law will extend requirements for individuals launching watercraft in public water bodies to take reasonable precautions to remove plant and animal matter until June 1, 2020.

M. AIR QUALITY

Study on the Impacts of JFK and LaGuardia Airports
(A.7710 Griffin; Veto Memo 228)

JFK and LaGuardia airports' proximity to major population centers in Brooklyn, Queens, and Long Island means many communities are in the airport approach path, potentially exposing individuals to harmful air and noise pollution. This legislation directs DEC, in consultation with the Department of Transportation, to study air pollution, noise pollution, and aircraft fluid emissions at LaGuardia and JFK and deliver a report to the Governor and Legislature by March 31, 2022, detailing their findings.

OVERSIGHT AND PUBLIC HEARINGS

In 2019, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings and roundtables:

Climate Change Hearing

Climate change is adversely affecting public health, economic well-being, natural resources, and the environment of New York in a variety of ways including: increased severity and frequency of extreme weather events; rising sea levels; increased average temperatures; and an exacerbation of air pollution. The effects of climate change are not in dispute; however, the question of how to address climate change in a manner that protects disadvantaged communities most at risk from adverse impacts and helps ensure job transitions that result in good-paying jobs with worker protections remains. The purpose of this hearing, held May 17th in New York City, was to examine how best to address these considerations, including what, if any, role carbon offsets should play. The Committee heard testimony from a variety of environmental and environmental justice organizations, representatives from academic institutions and public policy organizations, and industry stakeholders.

Recycling Hearing

Recycling is a fundamental component of New York State's vision of a vibrant, innovative, and sustainable economy. According to the most recent information available from the United States Environmental Protection Agency, recycling rates have increased from less than 10 percent in 1960 to 34.7 percent in 2015¹, with approximately 40 percent of those recyclables shipped to China². However, China has significantly restricted the recyclables it will accept, impacting post-consumer plastic and mixed paper recycling markets. The purpose of this hearing, held October 21st in New York City, was to examine the status of the State's recycling markets, the effectiveness of municipal recycling planning and contracting including the role of State funding, and any potential alternatives that could help reinvigorate New York's recycling efforts.

SUNY Hearing

The purpose of this hearing, held November 13th in Albany, was to examine the environmental footprint of colleges and universities in New York State and the academic and research programs such colleges and universities offer that focus on the environment. Specifically, the Committees sought testimony on the goals colleges and universities have set to reduce their environmental footprint; the methods such colleges and universities are using or will use to achieve these goals; the use of recycling and composting on campus; how excess food in cafeterias is disposed of; efforts to eliminate or reduce use of single-use plastics on campus; efforts colleges and universities are making to educate students on the environment; projects students have undertaken on campus to raise awareness about being more environmentally conscious; and academic and research programs colleges and universities offer that focus on the environment, including climate science, sustainability, and renewable resources. The Committees also sought

¹ Advanced Sustainable Material Management: 2015 Fact Sheet, United States Environmental Protection Agency, July 2018

² National Waste & Recycling Association website

testimony on how colleges and universities have utilized, or could potentially utilize, capital funding provided in the state budget to retrofit current buildings to improve efficiency or build new buildings that meet Leadership in Energy and Environmental Design (LEED) certification standards.

Climate Change and Artificial Intelligence Roundtable

Climate change looms as a threat to public health, the natural environment and economic well-being, not only in New York State but globally. Applications developed through artificial intelligence and machine learning offer promise for predicting climate change impacts and limiting climate change-related emissions. This roundtable, held on May 31st in Albany, explored current research and potential uses of artificial intelligence that may assist in anticipating climate impacts, and actions that New York State is undertaking or should consider to best utilize these new technologies.

OUTLOOK AND GOALS FOR 2020

The Committee looks forward to the 2020 Legislative Session. The Committee will continue its history of environmental advocacy and achievement by working to enact sound, workable environmental policies. Also, the Committee will continue its work to preserve open space. The Committee will consider legislation to improve water quality and ensure safe drinking water. Finally, the Committee will continue to work to protect the state's natural resources and the long-term health and abundance of New York's fish and wildlife populations.

APPENDIX A
2019 SUMMARY SHEET

Summary of Action on All Bills Referred to the Committee on
ENVIRONMENTAL CONSERVATION

Final Action	Assembly <u>Bills</u>	Senate <u>Bills</u>	<u>Total</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee (Favorable)	16	0	16
To Ways & Means	33	0	33
To Codes	28	0	28
To Rules	22	0	22
To Judiciary	1	0	1
Total	100	0	100
<u>Bills Having Committee Reference Changed</u>			
To Ways and Means	1	0	1
Total	1	0	1
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Held for Consideration With a Roll-Call Vote</u>	20	0	20
<u>Bills Never Reported or Held in Committee</u>	275	18	293
<u>Bills Having Enacting Clause Stricken</u>	2	0	2
<u>Motion to Discharge Lost</u>	0	0	0
TOTAL BILLS IN COMMITTEE	398	18	416
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		7	

APPENDIX B

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.1564	Peoples-Stokes	Creates a permanent environmental justice advisory group.	Chapter 735
A.1599	Hunter	Authorizes DEC to issue certain cull permits to certified nuisance wildlife specialists.	Veto Memo 150
A.1779	Peoples-Stokes	Requires DEC to publish a list of high local environmental impact zones.	Veto Memo 136
A.2050	Gunther	Requires DEC to create gift cards for hunting and fishing licenses.	Veto Memo 137
A.2064	Englebright	Establishes a right to clean air and water and a healthful environment.	Constitutional Amendment
A.2225-A	Cahill	Designates Sawkill Creek in Ulster County as an inland waterway.	Chapter 449
A.2257-A	Barnwell	Establishes the "New York City Seawall Study Commission."	Veto Memo 242
A.2286	Hunter	Updates water saving performance standards for certain bathroom fixtures.	Chapter 578
A.2477-B	Englebright	Prohibits the use of the pesticide Chlorpyrifos.	Veto Memo 193
A.2501-A	Englebright	Reduces the amount of mercury allowed in certain light bulbs.	Chapter 647
A.2571	Englebright	Prohibits the taking of menhaden with purse seines.	Chapter 28
A.2572	Englebright	Prohibits State authorizations related to certain offshore oil and natural gas production.	Chapter 29
A.2573	Englebright	Extends the effectiveness of the Ocean Acidification Task Force and requires interim reporting and hearings.	Chapter 398
A.2574	Englebright	Extends the authority of DEC to manage crabs.	Chapter 20
A.2575	Englebright	Extends the authority of DEC to regulate commercial fishing licenses.	Chapter 21
A.3098-B	Byrne	Designates Junior Lake and Sparkle Lake as inland waterways.	Chapter 591

A.3199-C	D'Urso	Requires DEC to report on coyote management techniques in urban and suburban areas.	Veto Memo 159
A.3217	Cook	Requires the suspension of hunting and fishing licenses pursuant to the Interstate Wildlife Violator Compact.	Chapter 496
A.3471	Zebrowski	Decreases the amount of alcohol in a person's system necessary to be considered hunting while intoxicated.	Chapter 388
A.4741	Hawley	Makes rifle hunting in Orleans County permanent.	Chapter 299
A.4768	Stec	Designates Paradox Lake as an inland waterway.	Chapter 462
A.4775	Galef	Designates Dean Pond as an inland waterway.	Chapter 339
A.4959	Cusick	Extends the moratorium on the storage of liquefied natural gas (LNG) in New York City.	Chapter 48
A.5764	Williams	Makes technical corrections to certain shellfish regulations.	Chapter 269
A.5767-A	Pheffer Amato	Establishes requirements for fill material used in the Jamaica Bay borrow pits.	Veto Memo 248
A.5960	Crouch	Makes rifle hunting in Broome County permanent.	Chapter 301
A.6041	Ryan	Requires children's jewelry containing lead to have a warning label.	Chapter 671
A.6219-A	Ryan	Increases the penalties for hunting, trapping or fishing license with a suspended license.	Chapter 532
A.6244	Englebright	Requires certain drinking water permit information be posted on DEC's website.	Chapter 458
A.6295-A	Englebright	Prohibits household cleansing products, cosmetic products, and personal care products from containing more than trace concentrations of 1, 4-Dioxane.	Chapter 613
A.6296-A	Englebright	Regulates dangerous chemicals in children's products.	Awaiting action by the Governor
A.6373	Englebright	Establishes a post-consumer paint collection program.	Chapter 673
A.6520	Englebright	Establishes the Marine Mammal and Sea Turtle Protection Area around Plum Island, Great Gull Island, and Little Gull Island.	Chapter 661

A.6563-A	Gunther	Designates Willsey as a major creek.	Chapter 347
A.6571-A	Galef	Designates Drew Lake as an inland waterway.	Chapter 273
A.6600	Englebright	Requires DEC to designate certain species as vulnerable species, and prohibits the trade of such species.	Chapter 651
A.6963-A	Buttenschon	Designates Ferguson, Moyer, Mud Creek, Ninemile Creek, Oriskany, Reall, Sauquoit, Six Mile Creek, and Wood Creeks as inland waterways.	Chapter 278
A.7006	Cusick	Extends the authorization for residential property owners in high-risk brush fire areas on Staten Island to remove certain reeds.	Chapter 393
A.7371	Englebright	Defines “trace contaminant” in the regulation of dangerous chemicals in children’s products.	Awaiting action by the Governor
A.7456-A	Otis	Establishes the Flood Mitigation Council.	Veto Memo 251
A.7557	D’Urso	Extends the effectiveness of certain enforcement provisions of the Bottle Bill Law	Chapter 65
A.7677	Williams	Extends the authority of DEC to manage bluefish.	Chapter 218
A.7678	Englebright	Extends the authority of DEC to manage clams.	Chapter 219
A.7679	Otis	Extends the authority of DEC to manage oysters.	Chapter 220
A.7689	Burke	Extends the authority of DEC to regulate open season, size and catch limits, and manner of taking of all species of non-marine fish.	Chapter 221
A.7691	Englebright	Extends the authority of DEC to fix open season and bag limits for pheasant hunting on Long Island by individuals who hold a junior license.	Chapter 233
A.7692	Englebright	Extends aquatic invasive species spread prevention and penalties.	Chapter 81
A.7710	Griffin	Directs DEC, with the assistance of the Department of Transportation, to conduct a study on the environmental impacts of John F. Kennedy International Airport and LaGuardia Airport.	Veto Memo 228

A.7882	Niou	Extends the authority of DEC to manage American eel.	Chapter 235
A.7986	Griffin	Prohibits the installation or covering of mercury-containing flooring in elementary and secondary schools.	Chapter 565
A.8043	Frontus	Extends the authority of DEC to manage alewife.	Chapter 230
A.8044	Ramos	Extends the authority of DEC to manage American shad.	Chapter 229
A.8045	Griffin	Extends the authority of DEC to manage blackfish.	Chapter 236
A.8046	Stern	Extends the authority of DEC to manage weakfish.	Chapter 238
A.8055	Darling	Extends the authority of DEC to manage hickory shad.	Chapter 237
A.8056	Epstein	Requires certain DEC reporting to include the amount of funding directed to ensure access to facilities for individuals with disabilities.	Chapter 546
A.8135	Englebright	Clarifies the metes and bounds of the Central Pine Barrens.	Chapter 584
A.8136	Englebright	Implements a constitutional amendment establishing a Health and Safety Land Account.	Chapter 287
A.8140	Woerner	Extends the authorization for freshwater angling by a single individual with up to three lines.	Chapter 394

APPENDIX C

**ENVIRONMENTAL CONSERVATION BILLS THAT PASSED
THE ASSEMBLY ONLY**

Assembly Bill	Sponsor	Description
A.2437	Englebright	Establishes a State geological trail.
A.4454	Cusick	Requires notice to neighboring landowners of wetland permit applications.
A.4844-A	Colton	Requires New York City to collect recyclable materials at city parks, playgrounds, historic sites and other facilities.
A.7211-A	Galef	Designates Furnace Brook as an inland waterway.
A.7915-A	Magnarelli	Allows individuals to register for organ donation when applying for or renewing a hunting, fishing, or trapping license.