



Unhealthy Air

Agency in Crisis: New York's Department of Environmental Conservation

New York is Failing to Protect Our Air Quality

Based on decreasing state budget resources, the New York State Department of Environmental Conservation (DEC) is falling behind in ensuring New Yorkers are breathing clean, healthy air.

Thirty New York counties fail to meet minimum federal air quality standards for ozone (smog); and 10 fail to meet minimum standards for particulate pollution (fine soot), threatening public health and safety, particularly among our most vulnerable populations, the elderly and the very young. More DEC staff are needed to help New Yorkers breathe easier.

Lowlights

- Funds to implement the Clean Air Act decreased by nearly 16% from SFY 2005-06 to 2009-10.
- 30 New York counties fail to meet minimum federal standards for ozone.
- The DEC has not completed 17 of 30 federally required state plans to improve New York's air quality.
- EPA has filed formal notice of New York's failure to submit certain air quality plans.
- The DEC has only 14 technical staff in the Bureau of Air Quality Planning responsible for preparing Clean Air Act plans; two less than in 2007.

Persistent Air Pollution

For the better part of three decades, New York has had trouble meeting federal minimum air quality standards for two of the six pollutants identified by the Clean Air Act: ozone and soot.

The DEC has the legal authority to implement the Act, which requires that areas that do not meet minimum air quality standards develop State Implementation Plans to reduce air pollution. But the agency doesn't have the staff or the resources to do this federally mandated work. When adjusted for inflation, the DEC appropriation that funds most of the implementation of the Clean Air Act decreased by nearly 16 percent from State Fiscal Year (SFY) 2005-06 to SFY 2009-10.

Per responses to requests for information, the DEC has not finalized at least 17 of the 30 state plans required by the Clean Air Act to improve New York's air quality. Three plans are in various stages of development to meet the more than 10-year-old standards for smog and soot. And many new plans will be needed to meet the U.S. Environmental Protection Agency's (EPA) latest standards.

The DEC has missed federal deadlines to submit its plans and the EPA has filed formal notice of New York's failure to do so in at least one case; the agency has warned the State of its intention to file notice in another.

Without such plans and accompanying regulations, the DEC doesn't have the tools in place to clean up New York's air. For instance, an estimated 10,000 backup electric generators operating across the state continue to threaten public health and safety.

In New York City, these dirty backup generators are operated by banks, businesses, apartment buildings and hospitals, among others, and spew dangerous emissions into the air during periods of peak power demand.

Without the DEC staff necessary to complete regulations and identify polluters, New Yorkers will continue to suffer with unhealthy air.



Dangerous Downstate Smog

Portions of 30 counties across New York State are listed as non-attainment areas for 1997 federal air quality standards for ozone or smog levels during an eight-hour period, including all of the counties located in the greater New York metropolitan area.ⁱ

Among other negative health impacts, a recent study by the National Research Council shows ozone pollution can shorten life expectancy.ⁱⁱ

The DEC is currently preparing at least 12 federally mandated state implementation plans to meet various standards for smog. In order to complete plans to reduce smog in the New York City metropolitan area and Poughkeepsie, the DEC must issue seven new state air pollution rules, a process that can take several years to complete.

After completing plans to reduce air pollution in order to meet the 1997 standards, the DEC must complete 10 additional new plans in order to meet the stronger 2008 standards for smog.

Too Much Soot

Ten counties in the New York City metropolitan area and surrounding communities do not meet air quality standards for fine particulate pollution. Such matter generally passes through the throat and nose and enters the lungs and can cause serious health effects. The potential consequence of pollution included an increased number of heart attacks, especially among people with pre-existing heart conditions, and an increased number of hospital visits for children with asthma.ⁱⁱⁱ

Although two statewide plans to control soot have been completed, the major plan to reduce this pollution for the New York metropolitan area is more than one year overdue. To complete plans to reduce regional haze, the DEC has to undertake a rulemaking to identify the best available retrofit technologies on certain sources of pollution, another complicated ruling that could take years to complete.

The DEC Needs More Staff So New Yorkers Can Breathe Easier

There are currently 14 staff working on plans to improve air quality, down from 16 in 2007. In addition, the DEC Bureau of Air Quality Surveillance now employs 51 staff, a net loss of seven positions. These critical staff are needed to help provide data and inform plans to clean up New York's air.

If the state-mandated hiring freeze hits these programs equally, these programs stand to lose at least five new staff, creating additional delays and more suffering for the elderly, the sick and the very young.

Agency in Crisis Series

The health and safety of all New Yorkers depends on the DEC to successfully implement existing state and federal environmental laws. This brief is the first in a series that take a detailed look at DEC resources, operations and staff levels. Based on agency budget documents and information requests, Environmental Advocates of New York is investigating the extent to which state and federal mandates to protect our environmental resources are being honored and which are getting short shrift. For more information visit www.eany.org or contact Alison Jenkins at 518-462-5526.

Citations

ⁱ In March 2008, EPA determined that counties in the Capital Region, Watertown and Rochester areas have attained the federal ozone standards, which while good news for residents in those regions, is not a change of "designation" for these areas and requires document filings.

ⁱⁱ www.nap.edu/catalog/12198.html.

ⁱⁱⁱ American Lung Association: State of the Air 2009. <http://www.alany.org/atf/cf/%7B3ADABC12-D6E0-407C-9464-9209C6DB0D0E%7D/SOTA%202009%20Report%20-%20NYS.pdf>

