

GREEN SHEET | New York

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**ENVIRONMENTAL
ADVOCATES OF NEW YORK**

YOUR GOVERNMENT WATCHDOG

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2008 BUDGET SAMPLER

\$100M—Estimated annual revenue from the **BIGGER BETTER BOTTLE BILL**

MORE THAN \$1B—Estimated tax dollars lost to **BROWNFIELDS TAX CREDITS**

60,000 TONS—Annual free pollution allowed by existing **AIR EMISSIONS CAP**

\$422M—Amount that would be owed to the **ENVIRONMENTAL PROTECTION FUND** by NYS general fund with proposed transfer

\$110M—Governor's proposal to address **STATE PARKS** maintenance backlog

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- *Wasted Green*

State of Green

Numbers in Gov's Budget, State of the State, Don't Tell the Whole Story

The 2008 New York State Legislative Session has begun. Our Governor and state lawmakers are busy proposing and debating New York's legislative priorities for the coming year. And all of this is happening under the shadow of a projected budget deficit of \$4.5 billion.

While Environmental Advocates of New York fights to see cleaner air and water among those priorities, the usual suspects share the legislative limelight—education, health care and the economy. That's not to say that efforts to protect New York's environment didn't garner any attention. Governor Eliot Spitzer's State of the State addresses and Executive Budget included some significant resources for the environment.

Among the green, he earmarked \$110 million for the Office of Parks, Recreation & Historic Preservation to make critical capital improvements to parks neglected during the Pataki Administration. The Governor also called on the Legislature to pass the Bigger Better Bottle Bill to meet the needs of today's consumers. And he asked lawmakers to pass the Great Lakes Compact in order to protect New York's precious water resources from harmful withdrawals.

In addition, the Governor committed to reforming the state's Brownfield Cleanup and the Empire Zone programs. The combined effects of reforming these programs could save New York hundreds of millions of dollars and generate millions in new revenue.

If enacted, New Yorkers will see big benefits from these reforms in their communities in the form of cleaner air, safer drinking water, less sprawl, more urban redevelopment, and increased job growth. In effect, the Governor has given the Legislature a blueprint for "building livable communities" in New York State.

These initiatives would also go a long way to achieve the Governor's ultimate goal of making New York "the best place to live, work and raise a family."

CUT HEALTH COSTS BY CUTTING POLLUTION

As part of the Governor's plan to reduce costs, close tax loopholes, and generate revenue, the Executive Budget included a plan to control New York's burgeoning healthcare costs by investing tax dollars in prevention. Specifically, he earmarked funds for asthma education and anti-smoking initiatives, both worthy efforts. However, there's more that New York can do to cut healthcare costs associated with asthma.

We can clean up our air.

In New York, one out of every 12 children—nearly 400,000 total—suffers from asthma. Sulfur dioxide has been shown to trigger asthma attacks. Because most blends of home heating oil have a high level of sulfur content, its combustion is the second largest source of sulfur dioxide emissions in the state—only the power sector emits more.

One way to clean up our air could be the Governor's proposed **Bio-Heat Tax Credit**. This tax credit for the purchase of a cleaner blend of home heating oil, such as biodiesel, would serve as an incentive for New Yorkers to purchase

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STAFF NEWS

• Tim Sweeney departed Environmental Advocates of New York in December to become director of the campaign for parks with Parks & Trails New York.

Tim joined Environmental Advocates in 2004, and as regulatory watch program director monitored state agencies and their impact on the environment. His research resulted in three groundbreaking reports on how staff cuts—of 800+ scientists, engineers and regulatory staff under Governor Pataki—at the Department of Environmental Conservation (DEC) led to the agency’s inability to safeguard public health and protect New York’s environment.

Tim’s investigations documented how staff loss compromised the DEC’s Dam Safety and Inspection Program, leaving few staff to oversee inspections of New York’s 5,565 dams. Tim also looked into the DEC’s water pollution permit program in his report *Muddying the Waters*. The report revealed that 90 percent of facilities discharging water pollution into New York’s rivers, lakes and streams are not receiving the scrutiny required by the Clean Water Act.

Tim is missed by everyone at Environmental Advocates.



ENVIRONMENTAL ADVOCATES OF NEW YORK
YOUR GOVERNMENT WATCHDOG

DIRECTOR’S CHAIR

It’s January in Albany and that means all ears are tuned to what the Governor says and how our legislators respond. The Governor’s State of the State address and Executive Budget often set the tone for the entire Legislative Session, and are our first indication of his priorities for the year ahead.

Based on his remarks, 2008 is bit of a mixed bag. While environmental protection was not a feature of Governor Eliot Spitzer’s official State of the State address, he did highlight the need to keep global warming in mind as New York looks for new sources of energy. And the Governor (thankfully) did not repeat a position he adopted last year supporting the development of so-called clean coal facilities, as we noted in the last issue of *Green Sheet*.

The Governor’s State of the Upstate address, delivered in Buffalo, focused on economic development and included a call on state lawmakers to pass the Great Lakes Compact this year.

Environmental Advocates of New York has worked closely with several groups to see this regional agreement ratified in the State Legislature. We were encouraged to see that the Governor recognizes the connection between environmental protection and economic development. After all, the State will have a hard time luring new industries upstate if water levels in Lakes Erie and Ontario continue to decline due to unsustainable withdrawals.

The Governor’s budget was, again, a mixed bag for

the environment (see lead article). While our state parks will get an enormous boost of \$100 million in capital improvements, the Department of Environmental Conservation received a scant four new positions and will likely continue to struggle to meet its mission. Our staff is still hard at work going through the Governor’s budget proposal to see what’s in the details.

So what’s the bottom line? One thing we are coming to learn is that Governor Spitzer may not be as “green” as Attorney General Spitzer. As Attorney General, Spitzer was a powerful advocate for cleaning up pollution, fighting global warming, and protecting our natural resources.

What the Governor’s positions may mean for the Legislative Session is hard to say. But Environmental Advocates knows that protecting our natural resources is a high priority for many members of the legislature, so the Governor may find that his priorities need to evolve to meet the interests of the houses.



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STATE OF GREEN

the cleaner burning fuel and result in air quality benefits across the state.

MONEY MINDED

In an effort to spur economic growth, Governor Spitzer is also looking to curb spending and close tax loopholes.

We applaud the Governor’s call to fix the **Brownfield Cleanup Program**. In some instances, hundreds of millions of tax credit dollars are given to developers cleaning up low-level contaminated sites that, because of their redevelopment value, would otherwise be cleaned. Freeing up more tax credits for New York’s dirtiest brownfields is certainly one way to “invest in building livable communities.”

The Governor also proposed reforms to

New York’s **Power for Jobs Program** and include energy efficiency criteria for participants in order to remove the perverse incentive to use more energy by providing subsidized power.

And when it comes to securing additional state revenue, look no further than the **Bigger Better Bottle Bill**. The Governor rightly encouraged the Legislature to expand the state’s bottle deposit law and earmark the estimated \$100 million in annual revenue from unclaimed deposits for the **Environmental Protection Fund (EPF)**. However, we are concerned about his proposal to transfer resources from the Fund. EPF monies should be earmarked for programs that will protect the environment, as intended.

Now it’s the State Legislature’s turn to make the next move.

2008 NYS LEGISLATIVE SESSION

2008 Legislative Priorities

Environmental Advocates of New York has identified our legislative priorities for the year. We support these measures because each will do much to protect the state's natural resources and our families' health.

The **Bigger Better Bottle Bill** would amend the state's bottle deposit law to expand the definition of "beverage" to include non-carbonated drinks other than milk and liquor, and direct the unclaimed deposits to the Environmental Protection Fund.

The **Climate Change Solutions Program Act & Fund** would invest proceeds from the sale of emissions allowances (CO₂ or NO_x) in energy efficiency, renewable energy, and programs that improve air quality.

The **Great Lakes Compact** would ratify New York's participation in a multi-state agreement to manage Great Lakes water.

The **State Green Building Construction Act** would require that construction of new state buildings, and substantial renovation of buildings, comply with green energy standards.

The **New York State Lighting Efficiency & Toxics Reduction Act** would require the Department of Environmental Conservation (DEC) to set electrical energy consumption reduction targets related to lighting and require the DEC Commissioner to establish minimum energy efficiency standards for lighting.

Net Metering would make solar technologies eligible for net metering and expand the size of all eligible net-metered systems from their current limits. The bill would also make the state's businesses eligible to take advantage of net metering, thus encouraging the use of renewable energy.

The **Environmental Access to Justice Act** restores the original intent of the State Environmental Quality Review Act (SEQRA), by allowing individuals or groups to challenge a SEQRA decision if they can demonstrate they will suffer injury from the environmental impact of a proposed project, without having to show that the injury is different from that suffered by the public at large.

Wetlands Protections would amend state law to provide the DEC with regulatory authority over New York's freshwater wetlands of one acre or more, regardless of whether that wetland has been mapped by the DEC.

Visit www.eany.org to see a complete list of our legislative priorities, as well as our positions on proposed legislation.

Wasted Green

In February, Environmental Advocates will release *Wasted Green: How Lost Revenue & State Spending Shortchange New York Taxpayers & the Environment*.

The report shines a light on a few simple ways the state can generate additional revenue, staff up the state's environmental agencies, and spend existing revenue more wisely.

Keep an eye out for the full report at www.eany.org.

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BOARD NEWS

• Environmental Advocates of New York welcomes Jeanette Gorgas to our Board of Directors.

Jeanette is managing director, global talent acquisition & development manager for the London and New York offices of Deutsche Bank. As managing director, Jeanette oversees the management of key talent in Deutsche Bank's Global Markets Division. This entails driving and ensuring the Bank's marketing and branding, recruiting, training and retention practices evolve to industry-leading standards.

At Deutsche Bank, Jeanette has expanded recruitment in India into a global program; strengthened relationships with key schools and institutions to secure a talented pool of financial candidates; and fostered collaborations across divisions to ensure a consistent brand message.

Her extensive experience as a human resources advisor and manager, particularly in strategic organizational development, recruitment and human capital management, will be a tremendous asset to Environmental Advocates in our outreach efforts.

We extend a warm welcome to Jeanette and look forward to working with her as a member of our Board.



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