



GREEN SHEET | New York

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**ENVIRONMENTAL
ADVOCATES OF NEW YORK**

YOUR GOVERNMENT WATCHDOG



2009 NYS LEGISLATIVE SESSION

243—Bills passed by the Senate

2—Environmentally significant bills passed by the Senate

1,242—Bills passed by the Assembly

39—Environmentally significant bills passed by the Assembly

31-31—The balance of power in the New York State Senate

Numbers do not include any legislation passed during the extraordinary sessions.



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- Staff News
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New York State Senate Interrupted

After a mere five months as the majority party in the New York State Senate, the Democrats became the minority once more. On June 8th, two Senate Dems voted with their Republican colleagues to install Dean Skelos (R-Rockville Centre) as Majority Leader—replacing Malcolm Smith (D-St. Albans)—and making Pedro Espada, Jr. (D-Bronx) President of that house.

The other Senate Dem to break ranks, Hiram Monserrate (D-Queens) soon switched his allegiance back to the Democrats, leaving the Senate evenly split at 31-31. This leaves the house deadlocked and makes it virtually impossible for either party to reach quorum needed to conduct business, also known as voting on legislation.

Since the Legislative Session began in January, the Senate has passed only two environmentally significant pieces of legislation: a bill that provides for the refinancing of the Metropolitan Transportation Authority (MTA); and a resolution to allow National Grid to construct a less invasive power line on forest preserve lands. Meanwhile, the New York State Assembly has passed dozens of important environmental measures to secure the health of our natural resources.

The Senate is still in flux. At press time, Governor Paterson had called the senators back for a “special session,” but lawmakers continue to argue over who’s in charge. The stalemate, as well as legal battles over the legitimacy of the coup, has left hundreds of bills hanging in the balance, as legislation

often doesn’t make its way through the committee process to the floor for a vote until the final weeks of the Legislative Session.

SUPER BILLS SUPER STUCK

Four of the environmental community’s priority Super Bills await action in the Senate. These priority measures are identified each year by the Green Panel, which includes the leaders of more than a dozen of New York’s environmental organizations. This year’s Super Bills include:

The **Global Warming Pollution Cap** would reduce New York State’s climate change pollution from all sources until total greenhouse gas emissions are reduced 80 percent by the year 2050. Before the coup, the Cap was gaining traction in the Senate with 28 sponsors from both sides of the aisle; now it’s in limbo.

Electronic Waste (E-waste) Recycling would remove tons of toxic e-waste from landfills by requiring manufacturers to collect and recycle their products.

The **Environmental Access to Justice** Act would restore New Yorkers’ right to enforce environmental review laws.

Wetlands Protection would close a loophole in New York law and give the state authority to protect wetlands less than 12.4 acres in size.

ASSEMBLY SHOWS LEADERSHIP

While the Senate power struggle grew to a fever pitch, the Assembly showed real “green” leadership and worked into the wee hours as the Session clock ticked down.

CONTINUED ON PAGE 2

STAFF NEWS

Environmental Advocates of New York welcomes Amy Lynch as our new executive assistant.

Amy will directly support the efforts of our executive director and act as coordinator for the Board of Directors. She will be responsible for much of the organization's administrative work and database maintenance.

Prior to joining Environmental Advocates, Amy was executive assistant to the President at Stage Three Music, Inc., in Los Angeles. Before that, she was the Big Events Hospitality Chair at Elmira College.

Amy has a B.S. in Business Administration from Elmira College.

Please join us in welcoming Amy to Environmental Advocates.

**Save the Date:
Tuesday, August 4, 2009**

The Green, the Bad & the Ugly
Join Environmental Advocates of New York to learn about the New York State Senate coup that altered the "green" course of the 2009 Legislative Session.

For more information and to R.S.V.P. call 518.462.5526 or email info@eany.org.



**ENVIRONMENTAL
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YOUR GOVERNMENT WATCHDOG

DIRECTOR'S CHAIR

As *Green Sheet New York* goes to print, our attention is focused on recent action in Congress and the continued lack of action in Albany.

The American Clean Energy & Security Act of 2009 passed the U.S. House of Representatives by a narrow 219-212 margin. The bill isn't perfect, but it's a critical step forward in the debate on how our nation responds to the challenge of global warming.

Our hope is that the U.S. Senate sees fit to address the bill's shortcomings and makes the following changes, in no particular order: eliminate handouts to oil and coal companies; increase the percent of carbon dioxide (CO₂) allowances to be sold at auction rather than given away; restore at least a 20 percent reduction in climate pollution by the year 2020 (it's 17 percent now); retain the EPA's ability to regulate CO₂ as a pollutant; require that allowances given to electrical utilities are used for consumer benefit in the form of investments in energy efficiency and renewable energy; and increase overall funding for energy efficiency.

The uncertain status of federal legislation underscores the need for state-level action on climate, although action of any kind is impossible in the face of the June 8th coup in the New York Senate. A cast of characters is now busy debating who gets which title, as the needs of New Yorkers are ignored.

This year, New York State had an opportunity to influence the national climate debate by passing

a bill that would put us on a path to reduce climate pollution 80 percent by the year 2050. Bills that would determine how to best invest revenues from the auction of carbon dioxide allowances were also pending.

All of the work on climate and energy policy—not to mention solid waste issues, reforms to the State Environmental Quality Review Act, and a host of other environmental measures—went up in smoke in June, as the Senate reduced itself to arguing about who's in charge of what and gave up working on real issues that warrant public debate and decision making.

Who's to blame for the gridlock? Take your pick. On one hand, the Senate Republicans initiated the so-called coup and threw the Senate into turmoil. On the other, prior to the coup the Senate Democrats had achieved little for the environment outside of the state budget. As of June 30th, the Senate had only voted on two bills scored by Environmental Advocates of New York, an all-time record of underachievement.

I'm sure you're familiar with the saying, "There are two things you don't want to see being made—law and sausage." In the case of the New York State Senate, this is particularly apt.



CONTINUED FROM PAGE 1

SENATE INTERRUPTED

This year, the Assembly passed a slew of bills to protect the health of our shared environment, including the four Super Bills. The Assembly also passed the **Climate Change Solutions Act and Fund**—legislation that would keep resources generated by the Regional Greenhouse Gas Initiative clean and green and dedicated to energy efficiency and renewable energy.

The Assembly's Earth Day agenda included bills such as **Recyclables in Landfills**—legislation to prohibit the disposal of recyclable materials in landfills and incinerators. However, without a Senate vote, and the Governor's signature, these bills will not become law.

IT AIN'T OVER 'TIL IT'S OVER

The Senate coup paralyzed the State Capital for much of June. And while lawmakers continue to hash out their disagreements, Environmental Advocates is hoping for the best.

Both houses may return to Albany to pass critical environmental bills before the year is out. And we hope that all of our state senators—both Democrats and Republicans—recognize the benefit of taking action now, not later, on legislation that would protect New York's environment and reduce the state's contributions to global warming.

We'll keep you posted on the latest developments in the State Capital. Until then, visit us at www.eany.org for the latest environmental news from Albany.

2009 Super Bills

Every year, the Green Panel, which includes representatives of more than a dozen of New York's leading environmental organizations, designates the green community's top priorities, or "Super Bills."

The 2009 New York State Legislative Session has already seen one Super Bill pass: the **Bigger, Better Bottle Bill**. Hailed as a major environmental victory back in April, the bottle bill expansion to include bottled waters was recently held up by a lawsuit in federal court.

Four Super Bills await action:

The **Environmental Access to Justice Act** would restore New Yorkers' right to enforce state environmental review laws.

Electronic Waste Recycling legislation would remove tons of toxic e-waste from landfills by requiring manufacturers to collect and recycle their products.

The **Global Warming Pollution Cap** would reduce New York State's climate change pollution from all sources until total greenhouse gas emissions are 80 percent less than 1990 levels by the year 2050.

The **Wetlands Protection Act** would close a loophole in New York law and give the state authority to protect wetlands less than 12.4 acres in size.

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

Defending the Regional Climate Plan

Environmental Advocates of New York recently joined Earthjustice, Columbia Environmental Law Clinic, Conservation Law Foundation, Environmental Defense Fund, NRDC and Pace Energy and Climate Center to defend the nation's first enforceable effort to reduce global warming pollution, the Regional Greenhouse Gas Initiative or "RGGI." **The RGGI is a 10-state effort designed to reduce power plant pollution.**

The groups filed an amicus, or "friend of the court," brief to support New York in its defense against a lawsuit brought by Illinois-based Indeck Energy. The power company filed suit earlier this year challenging the RGGI in an effort to get free pollution allowances, among other claims. Indeck filed its suit before learning if it would receive free pollution allowances from the state.

After years of public comment and input from stakeholders, including power producers, it's time to get the regional climate effort on track. Most of the region's power plants are on board and have participated in three successful auctions of pollution allowances. All 10 RGGI states have adopted regulations to implement the initiative.

The New York State Research & Energy Development Authority has postponed investing RGGI auction monies (now more than \$127 million) until the lawsuit is resolved. These monies would be best invested in energy efficiency and clean energy to further reduce climate pollution.

40TH ANNIVERSARY

In 1969, the environmental movement was in full swing. Landmark laws were passed as Americans recognized the need to protect our air, land and water. This critical moment in history paved the way to ensure that our natural resources are preserved for future generations and included the establishment of organizations like Environmental Advocates of New York.

Secretary of the Board of Directors, J. Henry Neale, Jr., remembers a time when Environmental Advocates was just a small group of advocates meeting at a home with a big backyard, rolling up their sleeves, and advocating for change. "There was sense that an environmental agenda was overdue and that it was time to prepare for a shift, for citizens to come together," Neale says.

In our early years, Environmental Advocates played a leadership role in key legislation such as the State Environmental Quality Review Act and wetlands protections; and the organization continues to do so. "One of the main reasons we've been able to survive the past 40 years is that we earned a reputation for knowing the facts. We made a real effort to make sure we were the experts on environmental legislation, and I hope we will continue to do so for the next 40 years," says Neale.

Neale has served on the Board since 1975. A practicing lawyer in New York, he has long been affiliated with Environmental Advocates.

For more information about Environmental Advocates' 40th anniversary, visit www.eany.org and donate \$40 for 40 years of protecting the environment.

BE AN ENVIRONMENTAL ADVOCATE TODAY

Stay up-to-date on statewide environmental issues by becoming a member of Environmental Advocates of New York for just \$35. Membership includes a **subscription to our bi-monthly *Green Sheet New York* newsletter** and **a copy of EPL/Environmental Advocates' annual *Voters' Guide***. Please be sure to include your address with your payment. For more information, contact **Peggy Fandrich at 518.462.5526, ext. 236**.

Join Environmental Advocates today!

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