



**Testimony of**  
**Rohit T. Aggarwala**  
**Commissioner**  
**New York City Department of Environmental Protection**  
  
**before the**  
**New York City Council**  
**Committee on Environmental Protection, Resiliency, and Waterfronts**  
  
**March 7, 2023**

*The Preliminary Budget for Fiscal Year 2024, The Preliminary Capital Plan for Fiscal Years 2024-2027, Fiscal 2024-2033 Preliminary Ten-Year Capital Strategy and The Fiscal 2023 Preliminary Mayor's Management Report*

Good morning, Chair Gennaro and members of the Environmental Protection, Resiliency, and Waterfronts Committee. My name is Rohit Aggarwala. I am the Commissioner of the Department of Environmental Protection (DEP) and the City's Chief Climate Officer. I am here with my colleagues Chief Financial Officer Joe Murin and Deputy Chief Operating Officer Kimberly Cipriano to discuss DEP's Preliminary Budget for Fiscal Year 2024, Preliminary Capital Plan for Fiscal Years 2024-2027, Preliminary Capital Ten-Year Strategy, and our performance as reflected in the Fiscal 2023 Preliminary Mayor's Management Report. Most importantly, I am here to talk about how DEP is embracing creativity and a sense of urgency to deal with the challenges that face the agency and the city.

DEP continues to provide the highest quality services to our communities, including serving world-renowned drinking water and keeping our harbor waters cleaner than they have been in 150 years.<sup>1</sup> These services are consistently exceptional, and we are very proud of the work that DEP's 5,400 men and women do every day. But we are ambitious: we are constantly looking for ways to do more, better.

### Successful 2022

I have been at DEP for about a year now. I am proud of the work we have accomplished in that time, including:

- Reaching the final steps to prepare for the Delaware Aqueduct shutdown, which I will speak about in more detail in a few minutes,
- Breaking ground on new digesters at Hunts Point,
- Completing more than 2,300 new green infrastructure assets and starting construction on 1,000 more, and completing four new Bluebelts,
- Implementing a new data-driven system for inspecting catch basins, which led to a 62% increase in catch basin inspections in FY23,

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<sup>1</sup> The New York City Department of Environmental Protection (DEP) protects public health and the environment by supplying clean drinking water, collecting, and treating wastewater, and reducing air, noise, and hazardous materials pollution. To achieve this mission, DEP operates and maintains 7,500 miles of sewers that convey an average of 1.3 billion gallons of wastewater per day to 14 in-city wastewater resource recovery facilities.



- Completing 954 miles of leak detection citywide through our new leak detection program – averting 57 watermain breaks, and
- Managing four times as many citizen idling complaints as in 2021.

Another key accomplishment has been to improve DEP’s contracting and procurement processes. One of our big disappointments of FY22 was that we achieved only a 69% commitment rate for the year. Through a significant whole-of-agency effort, we reached 65.3% committed as of last week, compared to 18% committed at the same time last year. We have 81% of the DEP-managed projects and 38% of non-DEP managed projects registered as of today.

Description	FY23 YTD Commitments as of 03/02/23	CUR-L as of 03/02/23	% Committed	FY24 Prelim Plan	% Committed	FY23 Sept Plan	% Committed
DEP-Managed Projects	\$ 1,100,295	\$ 1,362,956	81%	\$ 1,420,337	77%	\$ 1,339,829	82%
Non DEP-Managed Projects	\$ 286,987	\$ 638,393	45%	\$ 851,462	34%	\$ 799,081	36%
<b>Total Commitments</b>	<b>\$ 1,387,282</b>	<b>\$ 2,001,349</b>	<b>69%</b>	<b>\$ 2,271,799</b>	<b>61%</b>	<b>\$ 2,138,910</b>	<b>65%</b>

### Budget and Capital Outlook

Our FY24 budget and the capital plans support our key efforts and initiatives. Notably, the capital budget is front-loaded. The budget provides significant investment in the next five years, allowing us to start impactful projects as soon as possible. We are ready to spend \$2.2B in FY23 and \$3.3 in FY24.

The preliminary capital budget plan includes additional funding for several capital projects. These additions include:

- \$279 million for the agency’s green infrastructure program,
- \$268 million for improvements at Hillview Reservoir.
- \$267 million for the Kensico-Eastview tunnel connection,
- \$224 million to construct Bluebelts, and
- \$160 million for work at the Owl’s Head Wastewater Resource Recovery Facility to improve water quality in the harbor.

We are closely monitoring and pursuing the unprecedented federal and State funding opportunities made possible by the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, the Climate Leadership and Community Protection Act, and the New York State Clean Water, Clean Air and Green Jobs Environmental Bond Act.

New York City must receive its fair share of that investment to meet the challenges of climate change. Some programs and funding structures disadvantage New York City. For example, Water Infrastructure Improvement Act (WIIA) from New York State had a cap of \$5 million per municipality. This restriction led New York City, which manages drinking water for about half the state’s residents and contributes the majority of the state tax receipts, to receive just over 2% of the total funding last year. Similarly, the hardship policy that New York State uses to distribute funds explicitly excludes municipalities with populations greater than 300,000 from receiving grant funding, making NYC and surrounding counties only eligible for low-interest loans.

We appreciate the partnership from the City Council to address this inequity, including the work of Chair Gennaro to adopt Resolution 258 of 2022, which calls upon the state to distribute funds commensurate with the city’s contribution to statewide tax revenue.

## Delaware Aqueduct

Over the course of FY24, our most important capital project will be the final step in the decades-long effort to repair the Delaware Aqueduct, which has had a leaking segment since at least the 1990s. We completed construction of a bypass tunnel last year, and we expect to connect it and shut off the leaking portion later this year. During several months, we will rely entirely on water from the Catskill and Croton systems. We will make a final decision later this year as to whether we are ready to move forward with the shutoff, but thus far our tests are proving positive. It will be a major achievement when this is accomplished.



*Image: The watershed region, with the bypass tunnel section circled.*

## Meeting Challenges and Achieving Goals

To put our budget in context, I'd like to share several of the agency's priorities. These are best summarized under four challenges and two goals:

- Facing climate change
- Recovering from the pandemic
- Adjusting to economic changes
- Encouraging equity
- Protecting New Yorkers' quality of life
- Managing water rates



## Challenge: Facing Climate Change

Everything DEP does will be shaped by the dual goal of combatting and adapting to climate change. Climate change affects all of us, but given the nature of what we do, DEP is often at the front line.

### *Resiliency*

Wastewater Resource Recovery Facilities (WRRFs) are necessarily located next to waterways, making them vulnerable to sea level rise. The resiliency improvements made at these facilities over the last decade ensure that they can operate during more extreme weather events. Resiliency is now integrated into all of our capital work at the planning stage.

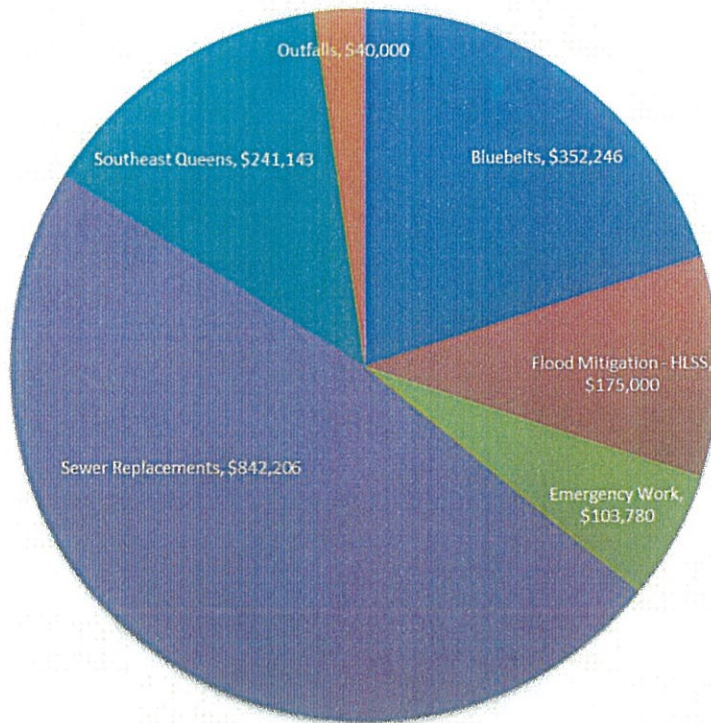
Throughout the watershed, DEP has hardened infrastructure to better withstand more frequent major storms. Last year, DEP completed (on time and under budget) a project at Kensico Reservoir to limit erosion of the bank that could cause turbidity. Additionally, DEP is researching how climate change will impact the water supply, including how warmer temperatures might lead to new species in our watershed and the impacts of sea level rise on the Delaware River.

The City is very engaged with resiliency efforts large and small. One of the biggest efforts set to change the City's waterfront is the U.S. Army Corps of Engineers' (USACE) Harbor and Tributaries Study (HATS), whose comment period closes today. This study is considering ways to protect the harbor areas in New York and New Jersey from future sea level rise and other climate change challenges. The administration has closely reviewed all of the HATS proposals and is preparing to submit formal comments, which we will be happy to share with the Council.

### *Stormwater*

We have spoken before about the sudden, heavy downpours, known as cloudbursts, that release an incredible volume of rain in a short period of time. These storms may be too intense for our traditional stormwater infrastructure to manage, so we are looking to additional tools to complement sewers.

In response to Hurricane Ida, \$1.7 billion was allocated to stormwater management efforts. This includes more than \$1 billion for sewer replacements and high-level storm sewers. So far, we have 29 projects in design or development. Our second-largest allocation of funding is directed to expanding Bluebelts, which are ecologically rich drainage systems that naturally handle runoff precipitation that falls on our streets and sidewalks. A third major category is green infrastructure, which uses rain gardens and other green features to absorb stormwater. We've installed more than 11,000 GI assets in the last 10 years, and more than 2,000 in 2022 alone. Finally, Cloudburst infrastructure is our fourth and newest approach to stormwater management. These systems use specially engineered open spaces or community amenities, like basketball courts, to hold stormwater during extreme rain events. Recently, Mayor Adams announced nearly \$400M of funding for four new Cloudburst projects in Corona, Kissena Park, Parkchester, and East New York. Another 24 locations are being evaluated for this kind of infrastructure.



However, designing and constructing these infrastructure solutions takes several years. To help homeowners in the interim, DEP launched the Rainfall Ready program in 2022. We also held a series of events to distribute inflatable flood barriers in several neighborhoods, and we've partnered with council members and community members in areas that are most often impacted, especially following Ida. We invite these continued partnerships.

#### Challenge: Recovering from the Pandemic

Like every city agency, DEP is still dealing with the impacts of the pandemic on our workforce. DEP staff performed heroically during the pandemic, especially the majority of our staff who continued their work on-site running treatment facilities, fixing infrastructure, or testing in labs. DEP even mass-produced hand sanitizer. I was not at DEP in 2020, but I am grateful for the agency's work.

Given the various economic and social impacts of the pandemic, we suffered a decline in staff morale and an increase in departures. This, combined with a period when the City restricted hiring, has led our vacancy rate to more than triple since 2020 – going from just under 5% then to 16% in January of this year. Now that restrictions on hiring have been lifted, DEP plans to aggressively hire in key roles, with a particular focus on engineers.

Further, we have embarked on a major morale effort, based on the results of an agencywide survey. This included a pilot that allowed management employees to work from DEP facilities that may have been closer to their homes; pursuing salary increases where employees have taken on more complex work; and making targeted facility improvements, such as bathrooms and locker rooms, which are important for staff quality of life.



### Challenge: Adjusting to Economic Conditions

Our third challenge is the global economic environment, characterized by inflation, supply chain uncertainty, and labor shortages that we have not seen for decades. These conditions require DEP to further refine its operations to achieve greater efficiency, effectiveness, and reliability.

One example is our expansion of computer-based data collection and operations management, called SCADA systems. SCADA systems can detect and respond to issues at our treatment facilities faster than manual monitoring, reducing downtime and maintenance costs. This real-time data can be used to optimize performance, reducing energy consumption and improving the quality of the treated wastewater. SCADA systems also improve safety by automating hazardous processes.

Another example is the work DEP has contributed to the Capital Process Reform Task Force convened by Mayor Adams and Comptroller Lander. In October, the Task Force released a set of recommendations, including using price adjustment allowances to offset volatile commodity prices, expanding work allowances to reduce change order approvals, and amending procurement laws and regulations. These efforts will speed up capital projects, reduce costs, and increase the City's capacity to address emerging needs.

### Challenge: Encouraging Equity

We are also deeply focused on the challenge of equity. DEP's WRRFs are a significant presence in many environmental justice (EJ) neighborhoods. WRRFs are invaluable assets for a city, but can be a burden for their neighbors who may have to deal with odors and truck traffic. We have taken great efforts over the years to minimize these negative effects and be better neighbors.

To reduce odors from WRRFs, we are incorporating biological air filtration technology, which uses natural microbes to extract odors from the air. We are also embarking on a major effort to reduce fugitive emissions from our facilities, which produce methane as part of the digestion process. Not only is methane a highly potent greenhouse gas, but research increasingly demonstrates that it can turn into formaldehyde in the presence of sunlight.

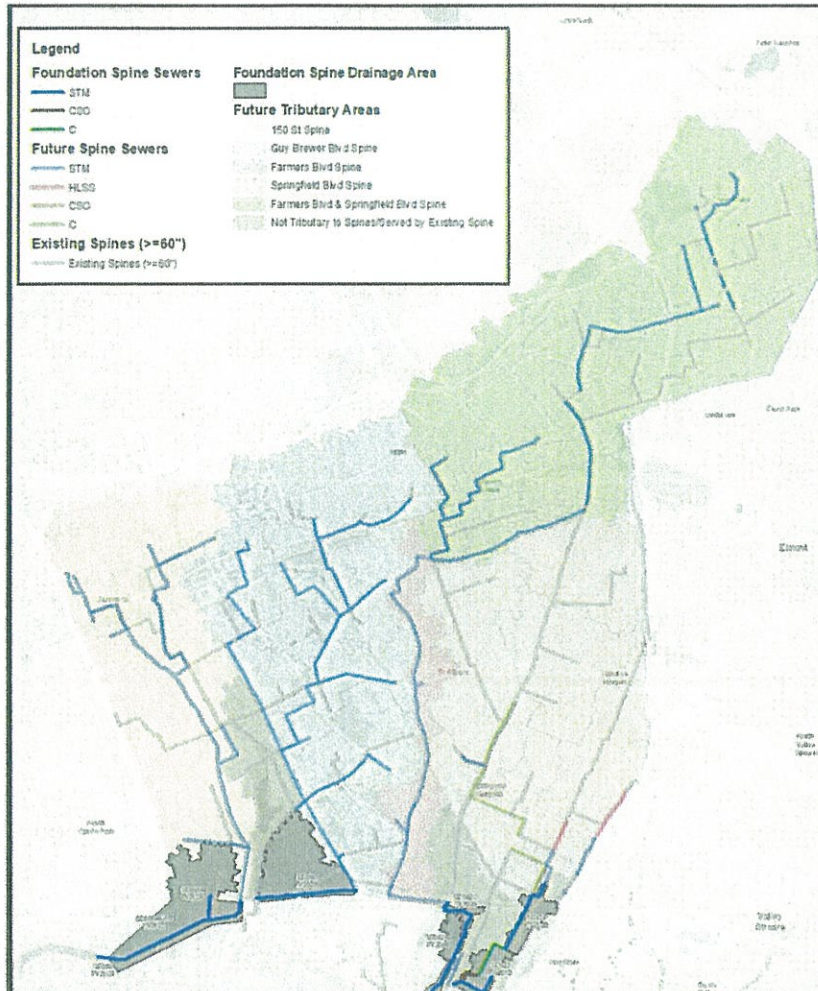
We also are working to make our chemical consumption as efficient as possible, reducing costs and truck trips to our facilities. In fact, deliveries to our WRRFs are down by nearly 25% in the last four years.

Of course, being good neighbors means being more than just "not bad." WRRFs can contribute to neighborhoods beyond the traditional role of treating wastewater. That is why we call them "resource recovery facilities." The byproducts of the treatment system – biosolids and biogas – can be beneficially used. For many years, the biogas has been used as a renewable energy resource at the WRRFs themselves. Now, we are sharing this green energy with others, connecting the Newtown Creek WRRF to the National Grid system, so that this fossil-free fuel source can power the neighborhood.

Equity is also a key concern with respect to our service provision, and we work hard to ensure that response rates are comparable across all parts of the city. Our infrastructure, however, reflects a century of development decisions that often did not prioritize long-term needs.

The prime example of this is in Southeast Queens, where we are continuing the \$2.6 billion effort to upgrade infrastructure. When neighborhoods in Southeast Queens were built up in the last century, many were built without adequate storm sewer systems – some without any at all. For several

years, DEP and partner agencies have been working diligently to install storm sewers and other critical infrastructure throughout these neighborhoods. Part of the post-Ida funding for ramping up sewer expansions is allocated specifically for Southeast Queens.



*Image: Sewer work in southeast Queens*

Another area that has faced chronic flooding for decades is the Jewel Streets neighborhood between Brooklyn and Queens, where DEP has been working with the community closely. This area’s low elevation creates a bowl that collects stormwater from all around. We are working on long-term solutions, and have allocated \$75 million for this work, but we are also making short-term quick fixes that have real impact. In October, DEP installed a sewer to better drain two problem intersections identified by the community, reducing flooding significantly. Similar solutions are planned for other locations.



Flooding in early 2022, before the new sewer was installed and the same location following a rain event, after the sewer was installed.

The neighborhoods around the Gowanus Canal continue to deal with the negative impacts of heavy industrial use that began over 150 years ago. The city, state, and federal government have been working together to remedy the issue. DEP has already constructed new high-level storm sewers, upgraded the existing sewer infrastructure, and led regular engagement with the community. We have also added green infrastructure across streets, public playgrounds, and the Gowanus Houses. This month, we will start constructing the first of two CSO tanks, which together can hold up to 12 million gallons of overflow. Altogether, these projects represent an unprecedented \$1.6 billion investment that will make the Gowanus Canal the cleanest it's historically been and add 3.6 acres of waterfront open space for the community.

#### Goal: Protecting New Yorkers' Quality of Life

While the bulk of DEP's operation focuses on its role as a water utility, the majority of 311 calls we get are about our non-water mission: air quality and noise enforcement. We are working to innovate in this area.

Many of you know that in 2022, we installed noise enforcement cameras that detect when vehicles exceed the legal noise level and photograph the offending vehicle. The evidence collected by the camera system allows us to send notices of violation to vehicle owners who are suspected to have altered mufflers. We have been happy with the results so far, so we are expanding with seven more cameras in 2023 and have \$1 million allocated in the budget for FY24, allowing us to purchase 25 cameras and support hardware and software. These cameras don't work well everywhere – for example, highways – but we are optimistic about their potential, and we have been pleased to work with several council members on locations for these cameras in their districts.

One aspect of our quality-of-life mission is around enforcing idling laws. The citizen enforcement program enacted by the Council has been highly successful, and we have improved our processes to accommodate a dramatic increase in the number of summonses issued. In 2021, we had 12,000 complaints; this year, the trend suggests we could reach 100,000. However, our administration of this program has taught us a great deal about what works well and what does not, and we are eager to work with the Council, especially on Council Member Menin's bill (Intro. 684), to streamline the process and make it more effective against repeat offenders.





## Goal: Managing Water Rates

DEP's services – operations, maintenance, and capital upgrades – are directly and almost exclusively funded by revenue collected from water bills. In FY23, we expect to collect roughly \$3.8 billion in revenue, virtually all of it from New York City customers.

New Yorkers' water bills are among the best bargains in New York City: while most everything costs more here than anywhere else, our water rates are well below those of many large American cities. We know that we must manage our operations to keep water rates as low as possible. We must also ensure that our revenue comes in reliably, which protects our credit rating, which in turn keeps our interest rates low.

A key challenge to this has been the dramatic growth in our accounts receivable over the last three years. Nearly 92,000 customers are seriously late – by six months or more – and their delinquent balances have jumped by over 50% from nearly \$600 million to about \$900 million. This is not just an issue among homeowners or in low-income neighborhoods; about 1,000 buildings south of 90<sup>th</sup> Street in Manhattan are delinquent.

Some property owners have not paid a bill in a very long time. Approximately 10,000 customers have not paid a dime in over four years.

We are working hard to help those New Yorkers genuinely struggling to pay their water bills. Our Home Water Assistance Program (HWAP) is available to low-income single-family homeowners and the Multifamily Water Assistance Program (MWAP) provides a bill credit to apartment owners who agree to conserve water and keep rents affordable. We have also been spreading the word about the state's Low-Income Household Water Assistance Program (LIHWAP), a federally funded program that assists low-income households with water and wastewater bills.

In addition, our customer service staff will work individually with any customer with outstanding bills to design a payment agreement over up to 10 years. Our goal is to collect outstanding balances by making it as easy as possible for people to pay their water bills.

In January we launched our one-time Amnesty Program to help New Yorkers who have fallen behind on their water bills settle their debt at a reduced cost. It is the broadest amnesty program DEP has ever offered: it is open to all accountholders, regardless of amount of money owed. It will help customers by forgiving up to 100% of interest when they pay all or a portion of their outstanding bill. We are also offering up to \$5,000 in additional support for LIHWAP recipients. This program is designed to assist customers and to bring in revenue to DEP so that we can continue investing in and maintaining our critical systems.

That being said, the Amnesty Program will not continue forever. Once the 90-day amnesty period ends on April 30, we will begin pursuing enforcement actions against those ratepayers who still owe and who have not reached out to DEP for assistance. We will be fair in enforcement, but customers must understand that there are consequences to not paying for water. Being lenient to those who can pay, but choose not to, means raising rates on those who pay their fair share.

Please encourage your constituents to take advantage of the amnesty program, which will only run through late April. If any constituent is having trouble with their bill, encourage that person to contact DEP and talk to our customer service team. We are here to help. People just have to ask.



## Looking Forward

Overall, I am excited about what the future holds for DEP. Our FY24 budget supports our key efforts and initiatives. We have great support from Mayor Adams and from the Council. With this continued support, DEP will meet these challenges, achieve our goals, and realize our vision to be a world class water and wastewater utility, while building a sustainable future for all New Yorkers.

Thank you for the opportunity to testify today. My colleagues and I are happy to answer any questions that you have.



**Testimony of Jenny Veloz, Policy and Advocacy Associate  
Citizens' Committee for Children of New York**

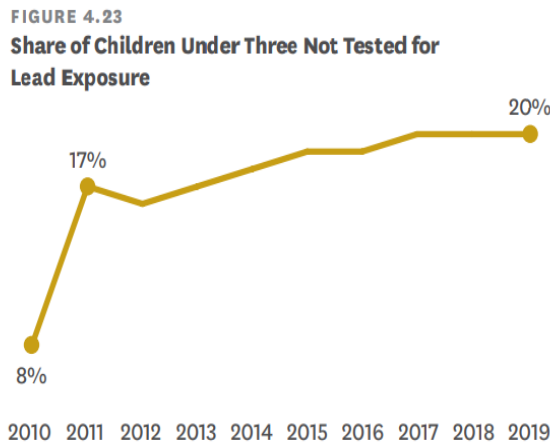
**Submitted to New York City Council Committee on Environmental Protection Preliminary  
Budget Hearing  
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Citizens' Committee for Children of New York is a 76-year-old independent, multi-issue child advocacy organization. CCC does not accept or receive public resources, provide direct services, nor represent a sector or workforce; our priority is improving outcomes for children and families through research and advocacy. We document the facts, engage and mobilize New Yorkers, and advocate for solutions to ensure that every New York child is healthy, housed, educated, and safe.

We would like to thank Chair Gennaro and all the members of the Committee on Environmental Protection, Resiliency and Waterfront for holding today's hearing on the Preliminary Budget for Fiscal Year 2024.

CCC is a member of The NYC Lead Poisoning Prevention Roundtable, a coalition of advocates who first came together to create and pass Local Law 1 of 2004 as the New York City Coalition to End Lead Poisoning. Now, the Roundtable focuses on closing loopholes in Local Law 1 and ensuring lead laws are adequately implemented and enforced.

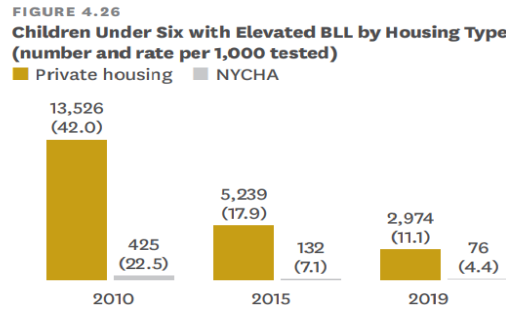
In 2004, New York City enacted Local Law 1 (LL1), the most ambitious lead poisoning prevention law in the country, with the stated goal of ending childhood lead poisoning by 2010. LL1 has had an enormous positive impact: [according to the Department of Health and Mental Hygiene \(DHMH\)](#) the number of children under age 6 with elevated blood lead levels (EBLL) declined from some 37,344 during 2005 to just 3,050 in 2019. Nevertheless, our city's children continue to needlessly suffer permanent neurological damage from exposure to lead-based paint and lead dust in their homes. The share of children under three not tested for lead exposure has more than doubled since 2010.



Moreover, childhood lead poisoning disproportionately impacts children of color and low-income children in New York City. As of 2019, 82% of children under age six with EBLs were Black, Latino/a/x, or Asian. 67% of the children were also in high-poverty neighborhoods.<sup>i</sup> The primary source of lead poisoning is lead paint in New York City’s old housing stock. Old lead paint can crack, chip, and peel and create dust, especially on friction surfaces like doors or windows. Children living in these buildings have elevated EBLs at more than twice the rate of children in public housing.<sup>ii</sup> Preventing lead poisoning is a not just a health matter but an environmental and racial justice matter as well.

**Although Local Law 1 was the catalyst in New York City experiencing a decline in childhood lead poisoning, additional steps are needed to strengthen the city’s policies and programs.**

Two significant features of Local 1 require landlords to conduct annual inspections and self-report the results of those inspections and abate lead hazards when an apartment becomes vacant. Fines are issued if landlords are in violation of these actions, but these fines are rarely enforced. Because there is no real enforcement system ensuring these obligations are met, landlords continue to get away with failing to ameliorate conditions and in turn, children’s health is put at risk.



**FIGURE 4.27**  
**Child Lead Exposure and Inspections by Borough, 2018**

Borough	Children with lead exposure	HPD lead inspections	Inspections per child with lead exposure
Manhattan	1,810	24,313	134
Bronx	5,114	68,923	135
Brooklyn	10,690	46,533	44
Queens	7,682	12,210	16
Staten Island	977	1,537	16

**In order to protect children from harmful lead exposure, CCC urges the City Council and Administration to pass and fund proposed legislation designed to address childhood lead poisoning by enhancing prevention and enforcement of current lead laws:**

- **Int 0005-2022 (CM Diana Ayala):** Requires landlords to produce records of self-inspections, whenever a lead-based paint violation is issued. HPD inspections continue to find many peeling lead paint violations, indicating that landlords do not take seriously their obligation to self-inspect.
- **Int 0006-2022 (CM Diana Ayala):** Requires permanent abatement of lead on friction surfaces in rental units with children under six by a certain date. There currently is no

meaningful enforcement and lead paint remains on many friction surfaces, like doorways and window sills.

- **Int 0193-2022 (CM Carlina Rivera):** Would make peeling lead paint in common areas of rental properties a class C violation
- **Int 0200-2022 (CM Rafael Salamanca, Jr.):** Would require quarterly reports from DOHMH to City Council on landlord contestations of Commissioner’s Order to Abate (COTA), where children are lead poisoned and the reasons for the contestation.
- **Int 0750-2022 (CM Diana Ayala):** Would create a system for proactive (non-complaint driven) HPD lead inspections in high-risk buildings and neighborhoods

Each of these bills strengthens the original idea behind Local Law 1 and holds landlords and management companies accountable for the health and safety of their residents, especially children. However, for these bills to have meaningful impact, we must ensure that the agencies tasked with enforcing and inspecting have appropriate funding and resources in the budget.

**Current vacancies at city agencies are affecting services that impact people’s health. We therefore urge the City Council and the Administration to ensure that the CFY2024 Budget prioritizes filling and does not reduce essential staffing in HPD, DOHMH, DOB, DEP, DOE, DOT, and NYCHA as ongoing vacancies and staffing reductions could negatively impact the city’s ability to identify and address lead hazards for children.**

Including appropriate funding and resources for lead poisoning programs in this year’s budget (and future budgets) will ensure the safety and health of New York City’s children.

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<sup>i</sup> “A Roadmap to Eliminating Lead Poisoning in New York City.” New York City Coalition to End Lead Poisoning, Lead Roundtable. 2022

<sup>ii</sup> “Childhood Lead Exposure (2020).” CCC Keeping Track Online. Retrieved from:  
<https://s3.amazonaws.com/media.cccnewyork.org/2022/06/4.-Health-and-Mental-Health.pdf>



**New York City Council, Committee on Environmental Protection**

**Preliminary FY2024 Budget Hearing  
March 7, 2023**

**Miranda Massie, Director of the Climate Museum  
Testifying on behalf of the Climate Museum**

Greetings, Chair Gennaro and members of the Environmental Protection Committee. Thank you for the opportunity to discuss the City Council's preliminary budget.

I come before you today representing the Climate Museum, the first museum in the U.S. dedicated to climate change.

We appreciate the creative and ambitious environmental leadership of Chair Gennaro and the Committee. You have positioned New York City as a global leader in confronting the climate crisis as well as other environmental health and ecological challenges, and on behalf of our constituents and visitors and ourselves, we are grateful.

The Climate Museum board and staff team is also grateful for the City's and the City Council's financial support of our work. This support has been transformatively credentializing as we intensify our efforts to scale up and extend our social impact across the city and, increasingly, the US. We seek to deepen our partnership with the Council as thought partners in the strategic mobilization of arts and culture to build civic will to address the threats that climate change poses to New York City and the world. This challenge requires more urgent focus today than ever before, and accordingly greater public engagement. We seek to support your work in this massive effort.

New Yorkers have faced the existential crisis of climate change and its devastating impacts firsthand. As the climate crisis intensifies, so does the need for dedicated, communal

spaces where we can all connect, form communities, and gain understanding and resolve. **One of the essential steps toward a safe and just future is to invest in cultural work on climate.**

The Climate Museum inspires action on the climate crisis with programming across the arts and sciences that deepens understanding, builds connections, and advances just solutions. We prioritize equity and inclusion, a focus on the intersection of climate and inequality through inclusive dialogue, and pathways into immersive cultural programming on climate accessible to a broad public. The Museum's work is undergirded by research revealing unprecedented levels of both climate anxiety and support for bold climate policy in the US. While two thirds of us—a bipartisan supermajority—want to see sweeping changes and progress, we dramatically misperceive climate sentiment, incorrectly believing two thirds of us are instead opposed to these popular policies.<sup>1</sup> The ubiquitous misperception of American indifference on climate creates a spiral of silence and passivity, which the Museum counters with inclusive, equity-centered programming that takes an activist and cultural approach to community engagement with climate. The perception of isolation stymies action; the perception of community activates it.

Our work provides individuals with a sense of climate agency, empowering them to engage with climate in new and substantive ways and, in the process, strengthening their own resolve and inspiring others. Museums have the superpower of public trust and the ability to build those connections. Cultural work like ours supports the advancement of strong climate policy in the public and private sectors alike, inviting community members across the five boroughs of New York City, students of all ages, and decision makers.

New York City thrives on its cultural intersectionality; it is the cultural capital of the world. Yet there is still no designated space for New Yorkers to communally express their experiences, fears, and hopes on the climate crisis and collectively fight this major problem we all face. We call on you to help us change that, recognizing the irreplaceable contribution that cultural work makes to this City and acting on its potential to empower people to participate in meaningful action on the climate crisis, through your continuing financial generosity and by passing a resolution outlining the need for a Climate Museum in New York City.

The climate leadership and the cultural leadership of our City can find a new and elevated expression together in the Climate Museum as we connect with constituencies across the five boroughs as well as domestic and international visitors. This work is urgently needed—and it also presents a profound opportunity.

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<sup>1</sup> Gregg Sparkman, Nathan Geiger, and Elke U. Weber. "Americans experience a false social reality by underestimating popular climate policy support by nearly half." *Nature Communications* 13, art. no. 4779 (2022), <https://www.nature.com/articles/s41467-022-32412-y>.

Please find a short deck outlining our current pop-up in Manhattan, as well as our strategic goals, below. We look forward to working with Committee Members and Council staff to advance climate education, dialogue, and engagement.







## Climate Museum Prospectus The First Museum Dedicated to Climate in the United States

### 1 | Theory of change

**Contending with the climate crisis at scale requires a transformation of our public culture.** Technological and policy fixes alone will not provide robust, long-lasting solutions. They must be accompanied by a groundswell of cultural support and civic engagement to demand and lead a just transition at all levels of society. Such a groundswell has begun to gather force, led by frontline communities and other sectors within the climate movement. The work of the Climate Museum is to accelerate and broaden this cultural shift through interdisciplinary arts programming, making it the business of one and all to break the climate silence.

### 2 | Approach and methods

**As the first museum in the United States dedicated to climate, The Climate Museum mobilizes the power of arts and cultural programming to accelerate a necessary, far-reaching shift toward climate dialogue and action, building community and advancing just solutions.** The popularity and trust held by museums help us bring people together to learn and to join the fight for a brighter future. As a museum, we offer the public a unique array of programs, which are **always free and always bring forward justice, empowerment, and action:**

- art-focused exhibitions and public installations,
- interactive dialogues with leaders and experts,
- performances and film screenings,
- creative youth programs and workshops, and more.

The Museum's work centers the arts because they touch our deepest emotions and elevate our sense of agency, creative possibility, and community—our sense of what we can do together. Art is built into how human beings experience ourselves and our relations with each other, which is why there are cave paintings on the walls of some of our first homes, and why speech and song evolved together. Indeed, there is strong evidence that genetic mutations distinguishing humans from Neanderthals account for aesthetic creativity (*Molecular Psychiatry* 27, 2022). When Neanderthals made something beautiful, it was by accident. Not so for our species. Art is fundamental to humanity. It releases deep feelings about the climate crisis that many of us hold at bay, and it emotionally opens us up to seeing our own individual and collective capacity.

This enhancement of our sense of agency and community plays a critical role in combating fierce climate action challenges in social psychology. As a recent peer-reviewed study shows, while a bipartisan American supermajority supports bold policy to advance a climate-safe and just future, that supermajority has not yet been activated (*Nature Communications* 13, 2022). The problem is misperception. While two thirds of us want to see sweeping changes in climate policy and progress toward climate justice, we so dramatically misperceive climate sentiment that we think the opposite is true: we falsely believe that two thirds of us are instead opposed to these popular policies.

The researchers who identified this gap between our perception and the truth say that we're living within a "false social reality." The idea that Americans don't overwhelmingly support bold action on climate, even in many rural and southern areas, is a myth. It's a myth that is hard to shake, and it creates a spiral of silence and passivity. People who feel alone don't speak out or organize—immobilized by climate anxiety, they don't do the very things we need to move our elected representatives and others to act.

**The Museum counters this myth of American climate indifference with arts-focused, inclusive programming that helps people turn away from resignation and toward their own courage, connectedness, and agency.** Our visitors emphatically express the value of this work. At the Museum, they find personal and emotional avenues for connecting with the issue, evidence that they are part of a supermajority for climate justice, and concrete ways to take action. **They leave the Museum committed to making their voices heard, often having already written a postcard to an official, called their bank to request an end to fossil fuel investments, posted on social media, or taken another suggested climate action on the spot.**

Most recently, at our current show, visitors new to us have written [Google reviews](#) including these:

- The Climate Museum is such a special place, and they are doing incredible work—I highly recommend visiting! The folks at the Climate Museum are creating a cohesive space to imagine potential climate futures and educate the public about actions we can take today as individuals.
- I had a wonderful experience at the Climate Museum. The staff was welcoming and knowledgeable. I was impressed by the robust programming. I left feeling empowered and inspired and am already planning my next visit.
- I've wanted to visit ever since I first learned about this museum. When I finally got the chance to attend an event and visit the site in person last week, I was thrilled with what I saw. What a valuable resource for people wanting community in the climate action space.
- The exhibit is inspirational and uplifting even in the face of our climate disaster. Instead of just throwing my hands up in the air, I walked out ready to take action in our fight to save the planet!

### 3 | Proof of concept

Over the last five years, the Museum has demonstrated significant impact and traction.

- We have presented seven exhibitions and more than 250 events; engaged 350+ high school students in leadership, advocacy, and arts programs, including docent opportunities that are as rewarding and inspiring for visitors as they are for students; and welcomed hundreds of thousands of community members to a range of physical locations throughout New York City and to online programs.
  
- The 250+ interdisciplinary special events have created further pathways into climate agency for our constituencies, and have been enhanced when taking place in art- and action-focused spaces. For example, last fall we presented a varied lineup of special programs at our exhibition, receiving positive audience feedback on all of them.
  - Climate and environmental justice events including a panel of Shinnecock Nation leaders for Indigenous People’s Day; a dialogue with NYC’s Director of Climate and Environmental Justice, a Climate Justice 101, and a talk on climate reparations;
  - Science events including a climate science career lab with an early stage NASA researcher and a ship-to-shore conversation with scientists aboard a deep sea research vessel;
  - The US launch of a book on fossil fuel disinformation that was later selected by the *Washington Post* as a top 10 book of 2022;
  - A series of poetry and theater workshops for students with mentors including a climate scientist; artist David Opdyke; the Museum’s resident poet; and a musician, actor, and writer who serves as our lead teaching artist;
  - A talk on climate emotions with the president of the Climate Psychology Alliance;
  - An evening of climate comedy;
  - Artist talks; and more.
  
- We have partnered with dozens of diverse organizations, including
  - the NYC Office of Climate and Environmental Justice, NYC Parks, NYC Department of Education Office of Sustainability;
  - THE POINT, WE ACT for Environmental Justice, the Bronx River Alliance, Harlem Grown;
  - the Museum of the City of New York, the Intrepid Museum, the Peabody Essex Museum, the New York Hall of Science, the Queens Museum, the Lower Manhattan Cultural Council, YUCA Arts, Urban Word;
  - the Columbia Climate School, the Earth Institute, the Urban Climate Change Research Network, the New School, RISD;
  - the United Nations Environment Programme;
  - Rockefeller Center;
  - the Center for Earth Ethics;
  - the Trust for Governors Island; and more.

- Similarly, we have collaborated with artists like Justin Brice, Mona Chalabi, Zaria Forman, Gabriela Salazar, Sarah Cameron Sunde, and Peggy Weil.
- Our work has been financially supported by the New York State Council on the Arts, the New York City Department of Cultural Affairs, the Mellon Foundation, and the Rockefeller Brothers Fund, among others.
- We have been featured and favorably reviewed in both peer-reviewed museum publications and mainstream media outlets including [\*The Washington Post\*](#), [\*The New York Times\*](#), [\*The New Yorker\*](#), [\*The Art Newspaper\*](#), and [\*The Atlantic\*](#).
- We have been leaders within a developing global movement toward cultural work on the climate crisis. We motivate and empower our visitors with tools and actions to create a multiplier effect within their circles of trust and influence, and we do the same within ours.
  - We advise other museums and cultural institutions looking to engage in climate-themed work.
  - We are routinely invited to speak publicly on the power and responsibility of the cultural sector with respect to climate.
  - We field dozens of requests per year from cultural institutions, non-profits, and universities for programmatic partnerships.
  - We participate in climate, ecology, and future-focused international coalitions of museums and other cultural institutions.

#### **4 | What's next: building on success**

**With accelerating urgency, growing recognition of the importance of cultural work on climate, and our record of success in this arena, now is the time to scale up these efforts dramatically. More and more people are ready to help create a vibrant new public culture for climate action, given the right framework and the right space to connect; public awareness and anxiety are at an unprecedented level. As the world burns and floods, we must seize this moment to extend our work and impact dramatically.**

To that end, from October 2022 through April 30, 2023, the Museum is presenting its first Manhattan pop-up exhibition. The show premieres the major new climate mural *Someday, all this* by artist David Opdyke. The work is joined with surprising new social science on climate opinion and guided opportunities for climate action. The show has empowered thousands to see their own climate agency and protagonism. Visitor reviews have been glowing, as the examples above demonstrate, and we are in discussions with several institutions that have reached out to us to inquire about traveling the show.

The Museum's second pop-up will open in September 2023 and, like the first one, will focus on art, action, and learning:

- art to open up a sense of engagement, possibility, and connection;

- explicit action guidance to ensure that this agency does not dissipate but rather forms into resolve; and
- a learning opportunity to enhance public understanding of the climate crisis.

The key learning opportunity presented in this exhibition will be to explore how the climate crisis and the inequality crisis have produced each other. The show will lay out a distilled history of how colonialism, transatlantic slavery, and their ongoing expressions today have both created and been intensified by climate change. This history will be coupled with key examples of movement struggles and victories. In order to win, we must address how we got here; we need to know what we are fighting and what we are fighting for.

Most of the research for the second pop-up has been completed. The advisory committee includes Ana Baptista (Tishman Environment and Design Center, the New School), Matthew Henry (University of Wyoming), Salumeel Huq (International Centre for Climate Change and Development), Climate Museum trustee Jacqui Patterson (The Chisholm Legacy Project), and Melanie Yazzie (The Red Nation). Our longtime art director Bonnie Siegler will continue in that role. The art featured in this show will be drawn from the vernacular of graphic novels and illustration, with Arielle Jovellanos the featured artist.

**With its two significant transit-accessible exhibitions, 2023 represents a true inflection point in our role and impact.** Physical, art-based exhibitions and installations, as well as the events we present with them, have been our strongest suit, providing our constituents with the most transformative and inspiring experiences. We are profoundly excited and grateful to have reached this point of impact and momentum.

**For the longer term, the Museum will use these and further pop-ups to make our path-breaking work more accessible to more people.** In the next several years, as exhibition work continues to enhance our fundraising capacity, we will establish a longstanding base of operations and programming to continue to extend the reach of arts and cultural work on climate and to intensify its impact. This will take the form of both a longstanding, larger physical footprint of 8,000 to 10,000 square feet and an expansion of the distributed physical programming we have carried out through partnerships with other organizations in New York City and beyond.

In addition to our own programs, through convenings, partnerships, consultation, and more, **we will seek to continually extend and intensify the impact of arts and cultural work on climate action, drawing more and more individual and institutional force multipliers into the work and community of making brighter futures.**

## **5 | Governance and compliance**

Available upon request: further information on the Museum's governance, counsel, and accounting procedures, along with related documents, including audited (and 2022 unaudited) financials.



## AN OVERVIEW

# THE FIRST CLIMATE MUSEUM IN THE US

*“When you support the Climate Museum, you contribute to a chain reaction of education and activism.”*

CLIMATE MUSEUM HIGH SCHOOL INTERN



# ABOUT THE CLIMATE MUSEUM

Contending with the climate crisis at scale requires a transformation of our public culture. We mobilize the power of arts and cultural programming to accelerate this crucial shift toward climate dialogue and action, connecting people and advancing just solutions.



1. The Climate Museum Hub. Fall 2018. Photo: Trey Pentcoast.
2. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
3. *Taking Action*. Summer 2019. Photo: Sari Goodfriend.
4. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.

## WHY

# CULTURAL WORK ON CLIMATE

Cultural institutions are trusted, popular, and immersive. They create space for communal, creative, and sensory learning, dramatically expanding what we can envision together. This cultural shift opens up new possibilities for advocacy and for action at scale.

As the first climate-dedicated museum in the US, the Climate Museum holds a unique changemaking capacity. Our track record, network, and reputation provide leverage, and our orientation toward organizational learning, iteration, and partnership has allowed us to establish and grow constituencies around the world.

1. *In Human Time*. Peggy Weil. Winter 2018. Photo: Sari Goodfriend.  
2. *Beyond Lies*. Mona Chalabi. Summer 2021. Photo: Sari Goodfriend.





## REFLECTION

# EXPLORING OUR HUMANITY

The Museum is committed to programming that helps us reflect together on what it means to be human at this moment of profound challenge, to increase our self-understanding, and to act.

1. *In Human Time*. Peggy Weil. Winter 2018. Photo: Sari Goodfriend.
2. *Climate Speaks*. Summer 2019. Photo: Sari Goodfriend.
3. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
4. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.



# CONVERSATION SPARKING DIALOGUE

Most people in the US are worried about the climate crisis, but this majority has remained largely silent and inactive. The Museum provides accessible pathways into climate dialogue and engagement.

1. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
2. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
3. *In Human Time*. Peggy Weil. Winter 2018. Photo: Sari Goodfriend.
4. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.



# ACTION

## CREATING CLIMATE AMBASSADORS

The Museum's immersive cultural programming allows visitors to gain understanding, agency, and resolve. The Climate Museum creates an inclusive, equity-centered culture for action on climate.

1. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
2. Global Climate Strike. Fall 2019. Photo: Sari Goodfriend.
3. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.
4. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.



## WHAT'S ON NOW

# NEW YORK POP-UP

In October 2022, the Climate Museum launched the first in a series of transit-accessible pop-ups. Located in the heart of Soho through March 2023, the show combines the major new work *Someday, all this* by artist David Opdyke, surprising social science, and guided action opportunities. Special events have included climate justice dialogues, youth workshops, artist talks, science programs, a comedy night, and more, featuring internationally recognized speakers such as Jacqueline Patterson, Somini Sengupta, and Olúfẹmi Táíwò. Our next pop-up, on climate and inequality, will also center arts and action.

More details: [climatemuseum.org](https://climatemuseum.org)



1. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.  
2. The Climate Museum Pop-Up. Fall 2022. Photo: Sari Goodfriend.

# IMPACT

## VISITOR FEEDBACK

Over the last five years, the Museum has presented **7** exhibitions and **250+** events—including panels, workshops, performances, and more—and welcomed **100,000+** visitors.

Here's what visitors have had to say:

*“Spend just 30 minutes here and your life will be changed.”*

*“A must see!”*

*“I didn't know what to expect and I was blown away.”*

*“Amazing storytelling.”*

*“A thought-provoking and inspiring call to action.”*

*“Inspiring, informative, immersive.”*

*“A great place to start your climate activism journey.”*

*“Truly remarkable.”*

*“Day by day we've multiplied our actions, replacing our despair with determination.”*

*“I always leave feeling more aware, better educated, and inspired to take action in new and powerful ways.”*



## THE FINE PRINT: TEAM AND NETWORK

# BOARD OF TRUSTEES



*“A sweeping cultural shift toward action on climate has never been more urgent or more feasible. We can and must do this together now.”*

**MIRANDA MASSIE** is the Climate Museum’s director and founder. In 2014, she left a career in social justice law to start laying the groundwork for the Museum. As a civil rights impact litigator, her honors include Fletcher Foundation, W.E.B. Dubois Institute, and Harvard Law School Wasserstein Public Interest Fellowships, as well as a Mentorship-in-Residence at Yale Law School. She is a public voices fellow with the OpEd Project and the Yale Program on Climate Change Communication. Her previous board service includes a Head Start organization for migrant farm families and the Center for Popular Democracy. Massie holds a J.D. from New York University, an M.A. from Yale University, and a B.A. from Cornell University. Her numerous guest teaching engagements include the Masters programs in Interaction Design at the School of Visual Arts, in Museum Studies at NYU, in Architecture and Landscape Architecture at RISD, and in Climate and Society at Columbia University. Massie is active within several global coalitions focused on climate-oriented work in museums. She speaks frequently on the need to integrate programming on the climate crisis across the cultural sector.



*“The Museum integrates artists, poets, and musicians because their work can relate the urgency in a deeper way.”*

**PETER KNIGHT** is the Board Chair of the Climate Museum and a Founder and Managing Partner at Cyan Capital Partners, which focuses on sustainable investing strategies in public and private markets. Previously he was a Founding Partner of Generation Investment Management. Prior to joining Generation, Mr. Knight was a Managing Director of MetWest Financial, a Los Angeles-based financial services company from 2001 to 2003. Mr. Knight started his career with the Antitrust Division of the Department of Justice. From 1977 to 1989, he served as Chief of Staff to former VP Al Gore when Mr. Gore was a member of the U.S. House of Representatives and later the U.S. Senate. He served as the General Counsel of Medicis Pharmaceutical from 1989 to 1991, and then established his law practice representing numerous Fortune 500 companies as named partner in a Washington D.C. law firm. Mr. Knight has held senior positions on four presidential campaigns, including serving as the campaign manager for the successful 1996 re-election of President Clinton. He is a Director of the National Park Foundation. Mr. Knight holds a J.D. from Georgetown University and a B.A. from Cornell University.

### **NICOLLE JACOBY**

Labor and Employment Partner,  
Dechert LLP

### **JACQUELINE PATTERSON**

Founder and Executive Director,  
The Chisholm Legacy Project: A  
Resource Hub for Black Frontline  
Climate Justice Leadership

### **CYNTHIA ROSENZWEIG**

Senior Research Scientist, The Earth  
Institute at Columbia University;  
NASA Goddard Institute

### **ALAN STEEL**

President and CEO, New York  
Convention Center Operating  
Corporation

### **JOEL TOWERS**

Professor of Architecture and  
Sustainable Design at Parsons  
School of Design, University  
Professor at The New School

### *In Memoriam*

Founding Secretary

### **JAMES STEWART POLSHEK**

Founder, Polshek Partnership  
Architects; Dean, Columbia  
School of Architecture

# THE FINE PRINT: TEAM AND NETWORK STAFF



**TRICIA BROWN**  
Director of Education and  
Engagement



**DARIAN DAUCHAN**  
Senior Advisor



**TRACE DEPASS**  
Teaching Artist in Residence



**PRISCA DOGNON**  
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**JILLY EDGAR**  
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# THE FINE PRINT: TEAM AND NETWORK

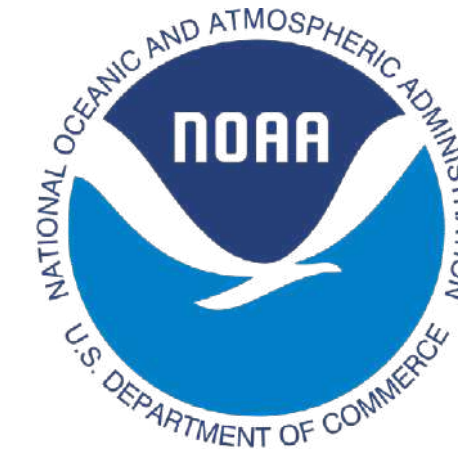
## ADVISORY COUNCIL

Our Advisory Council convenes experts from a range of disciplines, including artists, to help shape the vision for the Climate Museum.



*“The Climate Museum’s programming engages critical issues of climate justice, boosting the general public’s awareness of the connections between climate change and social equity.”*

**EDDIE BAUTISTA, NYC ENVIRONMENTAL JUSTICE ALLIANCE**





## THE FINE PRINT: IN THE NEWS

### SELECTED PRESS

We've been fortunate to receive favorable coverage across a range of media. Here are selected print pieces from both general readership and specialized publications.



*“The Climate Museum’s writing and art-based programming and inclusive, empowering practices are all crucial tools for opening up liveable futures.”*

**“CLIMATE MUSEUMS: POWERING ACTION,” MUSEUM MANAGEMENT AND CURATORSHIP**

*The Washington Post*

“THE CLIMATE MUSEUM IS THE FIRST OF ITS KIND IN THE U.S.—AND ITS FOUNDER IS ON A MISSION”

*The New York Times*

“CLIMATE MUSEUM SENDS DISTRESS SIGNALS TO STIMULATE DISCUSSION”

THE  
**NEW YORKER**

“THE MUSEUM OF UNNATURAL HISTORY”

*The Atlantic*

“A TRIP TO A MUSEUM FOR CONVINCING AMERICANS ABOUT CLIMATE CHANGE”

**exhibition**  
A JOURNAL OF EXHIBITION THEORY & PRACTICE FOR MUSEUM PROFESSIONALS

“ACTING WITH HOPE”

**SCIENTIFIC  
AMERICAN**

“ARTISTS STRIVE TO MAKE CLIMATE IMPACTS ‘VISCERAL’”

**SIERRA**  
EXPLORE, ENJOY, AND PROTECT THE PLANET

“THIS MUSEUM GETS REAL ABOUT CLIMATE CHANGE”

**Sotheby’s**

“ART AND THE ENVIRONMENT: MUSEUMS ADJUST TO A NEW CLIMATE”

# THE FINE PRINT: TEAM AND NETWORK

## INSTITUTIONAL PARTNERS

We're very proud of our partners, both philanthropic and programmatic.







My name is Rami Dinnawi, I am the Environmental Justice Coordinator for El Puente, a human rights & Environmental Justice Organization based in South Williamsburg & has been on the frontline for over 40 years.

I am here to talk to you about our stance on the proposed budget & its lack of investment in achieving our bold local & state climate mandates. As part of Climate Works for All Coalition, a convening of labor, community, faith , Environmental Justice & climate organizations we have seen first hand what our city lacks to address the current climate crisis.

We call on the administration to dedicate an additional \$1 million to fund & staff the office of Building Energy & Emissions Performance under Dept. of Buildings to ensure Local Law 97 compliance & Enforcement is achieved. This is our city's primary office tasked with ensuring LL97 compliance, and if it remains in its current state we can all be confident that we will not achieve targets set by the law.

In addition to OBEEP, we are calling for funding to the Department of Housing Preservation & Development to increase staff capacity dedicated to affordable housing. Furthermore, the city needs to invest in long term deep retrofits in public school buildings to ensure resiliency of the foundations of our society; Our youth's education!

What we have been hearing today, is the need for this administration to invest in our present and our future through remediating the errors of our past.

The current budget is NOT how 'Stuff Gets Done'. We need investment not divestment.

## NYCCELP • LEAD ROUNDTABLE



### New York City Coalition to End Lead Poisoning (NYCCELP) Fiscal Year 24 Budget Statement

New York City Coalition to End Lead Poisoning (NYCCELP) is a New York City coalition of organizations that work to eliminate lead poisoning in New York City through a holistic, multi-city agency approach. In 2022 NYCCELP released our [Roadmap to End Lead Poisoning](#) which calls for the policymakers to invest in programs and interventions that protect children from lead poisoning through the City's budget.

We urge the New York City Council to enforce the City's [commitment to eliminating lead poisoning](#) by ensuring resources are available to the following agencies in order to meet that goal:

- Department of Health and Mental Hygiene (DOHMH)
- Department of Buildings (DOB)
- Department of Housing Preservation and Development (HPD)
- Department of Environmental Protection (DEP)
- Department of Education (DOE)
- Department of Transportation (DOT)
- New York Housing Authority (NYCHA)

Lead poisoning is an entirely preventable problem that has long-term [effects](#) on children's health and well-being and can contribute to what is sometimes called the "[poisoning to prison pipeline](#)." Because both the causes and prevention methods are so well-established, New York City must take urgent steps to completely eliminate childhood lead poisoning as well as adult lead exposure. Lead poisoning is [racial justice issue](#) with [links](#) to [criminalization](#) as well, as alluded to above. Living in substandard housing that exposes young children to lead creates a terrible legacy with high obstacles for children to overcome, but investing in preventative measures is a [cost savings](#) measure: **Every dollar spent on prevention results in a return of \$17 – \$221.**

We know the primary source of lead poisoning is lead paint in NYC's old housing stock. Old lead paint can crack, chip, and peel and create dust, especially on friction surfaces like doors or

windows, or be dispersed through a building from poor construction and renovation practices. Drinking water is another significant pathway of lead exposure. It can make up at least 20% of a person's total exposure to lead, and up to 80% of total exposure for formula-fed babies under 1 year old. While [Local Law 1 of 2004 \(LL1 of 2004\)](#) has done much to combat lead poisoning, there are still thousands of children found to have high blood lead levels every year. To enforce LL1 of 2004 and the provisions that have been added to city code in the intervening years, the city must fully fund agencies in order to conduct inspections, test dust and paint for lead, remove lead service lines that deliver water,<sup>1</sup> and other necessary functions that address lead concerns of New York City's families. The City's budget must reflect the needs of this unnecessary and long-standing crisis.

The city has already [committed to eliminating lead poisoning](#), so should ensure resources are available to meet the goal. Multiple separate city agencies have been identified in playing a key role in combating lead poisoning:

- Department of Health and Mental Hygiene (DOHMH)
  - [Healthy Homes Program](#)
- Department of Buildings (DOB)
  - Code enforcement (complaints and lead violations)
  - [Office of Tenant Advocate](#)
- Department of Housing Preservation and Development (HPD)
  - [Lead Hazard Reduction and Healthy Homes Program](#) (formerly, Lead Paint Primary Prevention Program)
- Department of Environmental Protection (DEP)
  - Water monitoring (lead monitoring)
  - [Lead Service Line Replacement Program](#)
  - [NYC Clean Soil Bank \(CSB\)](#)
- Department of Education (DOE)
  - [Spaces and Facilities Report](#) (Paint Inspections and Water Safety)
- Department of Transportation (DOT)
  - Remediating hazardous lead paint chips that [fall to the streets and sidewalks from elevated train lines](#)
  - Removing lead paint in subway stations and other infrastructure throughout the city
- New York Housing Authority (NYCHA)
  - [Lead-Safe Housing Policy](#) (Lead-Based Paint Abatement and Dust Wipe Sampling)

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<sup>1</sup> Complete lead pipe removal is, according to EPA, urgently needed to protect the public from lead exposure from drinking water.

New York City Coalition to End Lead Poisoning (NYCCELP) Fiscal Year 24 Budget Statement

- [XRF Testing Initiative](#)
- [Team for Enhanced Management Planning and Outreach \(TEMPO\)](#)

Crucial agency work, some of which was outlined in the [LeadFreeNYC Plan](#) (2020 [progress report](#)), needs appropriate funding and staffing to audit reports, update construction codes, inspect high-risk areas, expand testing, remove lead service lines, and other critical work to ensure the eradication of lead poisoning.

**NYCCELP is concerned that sweeping cuts in the budget through the Program to Eliminate the Gap (PEG) could negatively impact the efficacy of lead poisoning prevention policies and programs due to hiring freezes and vacancy reductions across all of the agencies listed above. And recent and future lead laws will lack the funding necessary to properly enforce and to reach the goal of eliminating lead poisoning in New York City.**

The DOHMH [reported](#) that 67% of children under six years of age with elevated blood levels are from high poverty neighborhoods. Furthermore, Black, Latino, and Asian children represent 82% of all newly identified cases of elevated blood levels in children under age six. It is imperative that this City Council sees this as an environmental health injustice and should make ending lead poisoning and exposure in New York City a top priority. This can be achieved by funding City agencies to administer lead poisoning prevention and intervention programs and lead service line replacement; funding staff to collect data and enforce current lead laws; and supporting legislation that closes the gaps in existing lead laws.

Thank you for the opportunity to submit testimony on the importance of including lead poisoning prevention in the Fiscal Year 24 budget. The New York City Coalition to End Lead Poisoning Lead Roundtable is always open to having more detailed conversation on this issue.

Sincerely,

New York City Coalition to End Lead Poisoning (NYCCELP)

Contact:

Lonnie J. Portis  
Environmental Policy and Advocacy Coordinator  
WE ACT for Environmental Justice  
1854 Amsterdam Avenue, 2nd Floor New York, NY 10031  
646-866-8720 | [lonnie@weact.org](mailto:lonnie@weact.org)

### List of New York City Lead Laws and Bills

Since LL1 of 2004, there have been additional lead laws implemented:

- [Local Law 27 \(2020\)](#) – Soil lead testing in certain department of parks and recreation capital projects.
- [Local Law 28 \(2020\)](#) – Permanent removal of lead-based paint.
- [Local Law 29 \(2020\)](#) – Lead poisoning prevention and control in certain dwellings.
- [Local Law 30 \(2020\)](#) – Investigations by the department of health and mental hygiene in connection with reports of pregnant persons with elevated blood lead levels.
- [Local Law 31 \(2020\)](#) – Investigations of lead-based paint hazards by independent and certified inspectors, and contractor certifications for construction activities that disturb lead-based paint.
- [Local Law 39 \(2021\)](#) – Investigations by the department of health and mental hygiene in connection with lead poisoning incidents.
- [Local Law 40 \(2021\)](#) – Improving tenant notification, interagency cooperation, conducting inspections and issuing stop work orders, in connection with lead paint and construction work.

There are currently five bills that aim to close remaining loopholes in existing lead laws. When passed, these bills will also require funding for continued enforcement:

- [Int 0006-2022](#) – Permanent removal of lead-based paint on friction surfaces in child-occupied dwellings.
- [Int 0005-2022](#) – Records of lead-based paint investigations.
- [Int 0193-2022](#) – Lead-based paint hazards in common areas of dwellings.
- [Int 0200-2022](#) – Quarterly reporting on objections to orders for the abatement or remediation of lead conditions.
- [Int 0750-2022](#) – Proactive identification and inspection of dwellings where children are at risk of lead poisoning.





**March 7, 2023**

## **New York City Environmental Justice Alliance Testimony on the Preliminary Budget to NYC Council Committee on Environmental Protection**

Good morning Chair Gennaro and members of the council, my name is Shравanthi Kanekal and I am the Resiliency Planner at the New York City Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit citywide membership network linking 11 grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice.

The proposed investments towards climate and resiliency in the FY 2024 preliminary budget are concerning to say the least. The climate crisis is here, and this is no time to avoid necessary investments in climate policy and programs. The City must do everything it can to reduce emissions and prioritize climate action, including but not limited to, expanding our renewable energy generation capacity, decarbonizing our buildings, being better prepared for extreme weather events, and protecting EJ communities, who are first and worst hit by climate disasters. This year's budget must be climate forward with essential investments towards climate resiliency, mitigation and adaptation.

Our priority this year is that the City work with key agencies to advance a broad climate agenda to invest directly in our communities through the City budget, and that these efforts will complement ongoing statewide efforts. In order to deliver climate action and environmental justice, DEP must work effectively with other key agencies such as DOB, HPD, DCAS and others. Coming out of last session, the Climate Works For All coalition (CW4A) asked for key investments directed towards the full and equitable implementation of Local Law 97 (LL97). Now more than ever, the city must prioritize LL97 implementation as we have less than a year until the first compliance period of the law takes effect.

We call on the administration to commit to fund the following:

- **Dedicate \$975,000 to fund and staff 10 positions at OBEEP for LL97 compliance and enforcement**
  - The first major compliance period for Local Law 97 is fast approaching in less than 10 months. The Office of Building Energy Emissions Performance (OBEEP) under DOB, which is responsible for "Overseeing implementation of building energy and emissions performance laws and policies for existing buildings, new

construction and major renovations"<sup>1</sup> among other tasks, must be adequately staffed and adequately funded to ensure that building owners are assisted in order to comply with LL97. OBEEP's responsibilities will only grow past 2024 as building owners will have to be assisted with the numerous reporting requirements and ensuring timely submissions, as well as evaluating the building owner's overall compliance (ex: good faith efforts). For the FY 2022 budget, CW4A demanded 15 additional positions, but only 5 were funded. We estimate that 10 additional positions would require \$975,000 in DOB's budget for OBEEP.

- While some public sector Energy Auditors have already been hired in accordance with LL97, others will certainly be needed along with public sector Engineers, Project Managers, and Inspectors. There will be no effective implementation of LL97 without public sector oversight and enforcement.
- **Redirect more funding (~\$6M) from NYC Accelerator to local NYC-based organizations to provide education, outreach, and technical assistance services on LL97 compliance for the first compliance period in 2024**
  - There needs to be greater transparency on the workings and progress of the NYC Accelerator. It is unclear where and how \$36 million has been spent, on what specific aspect of outreach, and how many buildings with emissions over the cap set for 2024 have been assisted through the NYC Accelerator.
  - With input from local organizations working on the ground, CW4A estimated that there should be a minimum of \$6 million allocated in the FY 2024 budget for local NYC organizations to carry out education, outreach, and technical assistance services on LL97 compliance, as they are the best suited to carry out this work effectively in their communities.
- **Fund 3-5 staff positions at Department of Housing Preservation and Development (HPD) to increase staff capacity dedicated to affordable housing LL97 compliance**
  - Affordable housing is a key piece of LL97 and should not be left behind when it comes to being sufficiently supported in order to comply. HPD should be adequately staffed to ensure that affordable housing buildings are being assisted. We estimate that 3 new positions at the Office of policy and strategy at HPD would require \$292,500 in HPD's budget.
- **The City must invest \$1.5B annually through 2030 to conduct deep retrofits in public school buildings**
  - We applaud the Mayor's \$4.2B [Leading the Charge](#) investment announced last year to electrify 100 public school buildings in EJ communities. The City must invest an additional \$1.5B annually through 2030 for additional deep retrofits in public school buildings in order to meet the union job creation, public health benefits, solar installation goals, and emission-reduction targets as outlined in the [Green Healthy Schools report](#).

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<sup>1</sup> Local Laws of the City of New York for the Year 2019, No. 97.  
[https://www1.nyc.gov/assets/buildings/local\\_laws/ll97of2019.pdf](https://www1.nyc.gov/assets/buildings/local_laws/ll97of2019.pdf)

- Solar systems and deep retrofits, like HVAC installation, will help the DOE reduce its operating costs, and focus funds on other priorities that directly benefit students, teachers, and faculty.

New York City needs to genuinely embark on a rapid and funded effort to achieve a just transition to a decarbonized and renewable energy economy.

Thank you for the opportunity to testify.



**Testimony of Alia Soomro, Deputy Director for New York City Policy  
New York League of Conservation Voters  
City Council Committee on Environmental Protection and Resiliency and Waterfronts  
FY24 Preliminary Budget Hearing  
March 7, 2023**

My name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you, Chair Gennaro and members of the Committee on Environmental Protection and Resiliency and Waterfronts for the opportunity to comment.

As the annual budget process begins, the City is confronted with the difficult challenge of facing potential funding cuts while ensuring agencies are fully staffed and funded so they can implement the strong environmental policies we need. With numerous challenges facing the City, we must not lose sight of important climate deadlines and goals. Now that the City Council Committee on Environmental Protection includes Resiliency and Waterfronts, it is more urgent than ever for this committee to ensure the City takes a comprehensive approach to tackling climate change and advancing environmental justice. NYLCV stresses the importance of providing sufficient funding for the NYC Department of Environmental Protection (DEP) programs and staffing, as well as other agencies that touch upon environmental and climate planning. We are at the point where agencies can only do less with less.

Robust funding for DEP's Green Infrastructure and Bluebelt Programs is critical in the City's efforts to manage stormwater runoff and reduce the risk of flooding, especially with increasingly worsening climate impacts. Green infrastructure, which uses vegetation, soils, and natural processes to manage water and reduce the risk of flooding, such as rain gardens, green roofs, bioswales, and bluebelts that use natural drainage corridors, should all be considered. These projects should be expanded and implemented equitably so that all neighborhoods can receive the environmental benefits that come with them, with priority for frontline communities that have borne the brunt of environmental racism and climate injustices, including NYCHA campuses. For example, as of November 2022, [green roofs cover less than 0.1% of New York City's 1 million buildings](#), a vast majority of which are located in wealthier areas of Manhattan. Cloudburst infrastructure is designed to manage extreme rainfall events too intense for traditional stormwater infrastructure, such as stormwater retention basins and permeable pavements. As DEP is set to formally launch the Cloudburst Management program in 2025, the City must ensure there is dedicated and sufficient funding and staffing for the program. Together, these programs can not only help to reduce stormwater runoff and complement

existing stormwater infrastructure, but can also help to improve air and water quality, enhance biodiversity, and reduce urban heat island effects.

Our advocacy through the Play Fair Campaign, which calls on the City to invest 1% of the NYC budget to parks, has exemplified the important connection parks, open spaces, and playgrounds have to the health, resiliency, and sustainability of our City. Unlike traditional types of playgrounds and pavements that contribute to flooding and the urban heat island effect, parks and playgrounds with green infrastructure features help absorb or hold large volumes of stormwater, especially as storms and extreme rainfall become more frequent and severe with climate change. The City needs to strengthen the coordination of planning and maintaining our parks and green infrastructure systems.

We are also requesting that the City fully fund, prioritize, and implement Local Law 122 of 2021, which requires the Mayor's Office of Climate and Environmental Justice to develop a citywide climate adaptation plan. This law is critical because it will not only increase the transparency of the City's climate risks for residents and officials, but will prioritize comprehensive adaptation strategies and emergency planning to reduce the risk of damage and loss of life. As other advocates have called for, this plan must take a multi-hazard approach to adaptation planning and establish publicly available milestones for its implementation. Additionally, as highlighted by DEP's testimony, we urge the City to continue taking long-term climate projections into account as the City adapts its existing infrastructure, especially with regards to the City's wastewater treatment plants' vulnerability to sea level rise, extreme weather events, and rising groundwater.

NYLCV urges the City to prioritize environmental justice and equity in all of its climate and environmental planning and policies. We support DEP's prioritization of areas that have been historically overburdened and underinvested in and urge the City to provide robust funding for DEP's mitigation efforts to combat odors and truck traffic problems from treatment plants located in EJ areas. This includes southeast Queens, [the "Jewel Streets" neighborhood](#), Gowanus canal, and many other areas throughout the City. As advocated by New York Lawyers for the Public Interest and other advocates, we urge the City to adequately fund the Renewable Rikers Act and the City's Environmental Justice for All laws in order to fully implement and meet these important deadlines. Moreover, as a member of the New York City Coalition to End Lead Poisoning, we urge the City to enforce the City's commitment to eliminating lead poisoning by ensuring robust resources are available to City agencies. Regarding DEP, this includes its water monitoring program and Lead Service Line Replacement Program.

As advocated in NYLCV's recently-released [2023 NYC Policy Agenda](#), the City has a once in a generation opportunity to leverage funding at the federal and state levels, including the Infrastructure Investment and Jobs Act, Inflation Reduction Act, Community Development Block Grants, FEMA funding, as well as New York State's Clean Water, Clean Air and Green Jobs Environmental Bond Act, which requires that disadvantaged communities receive at least 35-40% of the total statewide spending. NYLCV echoes calls by elected and agency officials for New York City to receive its fair share of funding and ensure that future funds are spent equitably and transparently. Relatedly, NYLCV would also like to see DEP and the Mayor's

Office leverage funding from the State Environmental Bond Act to develop a citywide long-term, equitable, and voluntary buyout program for at-risk homes in the most vulnerable areas of the city. Additionally, as the Play Fair Coalition has advocated, NYLCV also supports the City's efforts to reform the capital process and appreciates DEP's role in the City's capital planning task force.

Lastly, and perhaps most importantly, the City must aggressively prioritize hiring to address vacancies in critical agencies such as DEP, MOCEJ, and more. Currently, the vacancy rate for DEP is 16%, a 1% improvement from the Comptroller's [Title Vacant report](#) released in December 2022, which listed a 17% vacancy rate. While this is a small improvement, DEP needs to continue prioritizing staff hiring, especially for the Green Infrastructure program.

Budgets express priorities and we must make our priorities clear: climate change is here and we must be doing everything in our power to fight it and protect New Yorkers, especially for frontline communities. It is imperative that we pass a City budget that is not only bold on climate, but paves the path towards a just and equitable future. NYLCV urges the City to prioritize funding for agency staffing to develop and implement a coordinated and unified approach to the City's climate and environmental justice efforts.

Thank you for the opportunity to comment.



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**Written Testimony of the New York Lawyers for the Public Interest to  
the New York City Council Committee on Environmental Protection – March 7, 2023  
Presented by Anthony Karefa Rogers-Wright, Director of Environmental Justice**

Chairman Gennaro, esteemed members of this committee, first and foremost, thank you for leadership and imperative work to ensure our city becomes cleaner, greener, and more equitable. Councilmembers Nurse and Restler, it's always excellent to see you both and we appreciate the work we have done and will continue to do together. And to the other members, New York Lawyers for the Public Interest (NYLPI) is committed and looks forward to working with all of you to effectuate the goals and mandates that aim to shepherd New York City and all of its residents to a sustainable future rooted in the Principles of Environmental and Climate Justice, the Jemez Principles for Democratic Organizing, and standing laws of New York City and New York State, including our State's Constitution, which now, as directed by the People of New York, stipulates that, "Each person shall have a right to clean air and water, and a healthful environment."

My name is Anthony Karefa Rogers-Wright – I currently serve as the Director of Environmental Justice with NYLPI, a 45-year-old Civil Rights organization. Our dedicated staff of attorneys, policy advocates, and organizers work tirelessly with community partners and partner organizations across the City and State to pursue and advance justice and equity for all New Yorkers.

I'd like to use this opportunity to speak with you all about the recent budget offered by Mayor Adams, including our concerns and our hopes for necessary interventions by the Committee on Environmental Protection and the City Council as whole.

NYLPI concurs with the concerns of the Council and your esteemed Speaker, Adrienne Adams, who in response to the mayor's proposal stated, in part, "We need consistent and effective management that prioritizes investments in our city's functionality and its people. The Council is deeply concerned about the mayor's budget plan falling woefully short in meeting the needs of our city and communities..."<sup>1</sup> Moreover, NYLPI fully agrees with Comptroller Brad Lander, who in response to the mayor's proposed budget declared, "To confront both the economic uncertainty and inequality facing our city, New York City needs a budget that provides both a strong cushion to weather future blows and one that sets us up for long-term growth."<sup>2</sup>

Knowing and working with Comptroller Lander, who like many of you is a demonstrated and recognized climate and environmental justice champion, informs me that he likely did intend to utilize a pun when evoking the idea of "weathering future blows" because, as I will discuss, the climate crisis represents, for many New Yorkers, the biggest threat to their public safety and the City's overall safety. In fact, a recent report by Moody's Analytics indicates that, "Climate change poses a significant threat to the economies of U.S. cities, with metro areas like San Francisco, New York City and Phoenix among the most at risk of sea-level rise, extreme heat and water stress."<sup>3</sup> While the City's economy is important, we must center on

the fact that climate change, first and foremost, places *people* at risk – Black, Brown, and poor folk disproportionately. There are documented reasons why climate and environmental justice practitioners frequently remind us that the impacts of climate change hit communities of color first and worst.

Mayor Adams, while introducing his budget, stressed public safety as, “a core priority of New York City.” This is an encouraging sentiment, and while NYLPI agrees with his proposed cuts to the NYPD budget as numerous studies, over 60 years, have determined that there is no correlation between increased police spending and a reduction in crime,<sup>4</sup> we are very concerned with proposed cuts to key agencies that require adequate staffing and budgets to see to the people’s work of preparing our city for a Just Transition that’s equitable and accessible to all New Yorkers - especially those residing in disadvantaged and other environmental justice communities that have been subjected to years and decades of systemic environmental racism that continues to treat these neighborhoods as energy, economic, and pollution sacrifice zones - and their Black, Brown, and poor residents as disposable. That we need to get tougher on crime is debatable, that we need to get tougher on climate change is irrefutable.

The investments we make today to combat the climate crisis, including adequate budgets for the Department of Environmental Protection and the Offices of Long-Term Planning and Sustainability and Recovery and Resiliency, will result in long term environmental and social justice benefits in the future. In fact, according to the Political Economy Research Institute (PERI) of the University of Massachusetts, Amherst, the net benefits to New York of making climate investments now range from \$80 - \$150 billion. Furthermore, New York could see major public health benefits ranging from \$160 - \$170 billion. These benefits would come from improved air quality, increased active transportation, and energy efficiency interventions in low- and moderate-income homes. Moreover, a rapid reduction of emissions will assist with preventing damage associated with climate change to the tune of approximately \$260 billion.<sup>5</sup> These benefits to both society and the City’s economy cannot be realized through parsimonious politics, they can only be realized through a politics of possibility not currently reflected in Mayor Adams’ preliminary budget offering.

Speaking of compliance with the laws of our City and State, NYLPI is concerned that the absence of adequate budgets for key City agencies will prevent the City from doing just that, compliance with standing law. I'd like to discuss some of these laws now, as well as the potential consequences of noncompliance. As I will demonstrate, an austerity budget is not just a threat to public health and safety, but also to the legal obligations of the Mayor and the City Council to govern in a way that is congruent and compliant with standing laws and their associated mandates.

The Renewable Rikers Act of 2021, including Int. No. 1592-A/Local Law 16<sup>6</sup>, requires the transfer of land, buildings, and facilities of the ignominious Rikers Island to the Department of City Administrative Services (DCAS) by August 31, 2027. The City is woefully behind schedule for meeting this deadline, and rather than working with the City Council and local stakeholders like the Renewable Rikers Coalition<sup>7</sup> and the Campaign to Close Rikers<sup>8</sup> to ameliorate documented delays, the mayor has elected to perambulate, obfuscate, and otherwise suggest that Local Law 16 is not possible. With due respect to Mayor Adams, we don’t need a “Plan B,” we need a plan to comply with the law. NYLPI calls on the City Council to include adequate funding to ensure Rikers Island is fully transferred to DCAS in the mandated timeframe, and transformed to a mandated renewable energy hub that will provide clean air, clean jobs, and a clean break from a facility that has acted as a torture and death chamber, as well as an impediment to due process for far too many Black, Brown, and poor New Yorkers.



The Climate Mobilization Act, which includes the landmark Local Law 97, which places New York in position to be the nation's most populous city to aggressively reduce emissions associated with the City's biggest emitter, buildings, is at risk of being rendered into an unfunded mandate and otherwise adulterated unless the people's government engenders immediate and efficacious interventions that = include requisite levels of investment. While the mayor includes approximately \$259 Million in his budget for the purpose of, "meeting carbon reduction targets" set forth in LL 97, how this money would be utilized is ambiguous. How this money is utilized is just as salient as the amount – which is to say, the City Council must ensure that the people's money does not primarily benefit building owners and real estate developers at the expense of the people or the intent of LL 97. Unfortunately, public statements and lack of action on this issue by the mayor seem to indicate that his approach to implementing LL 97 is more pro-developer/building owners than it is pro-climate justice and pro-tenants. To this end, NYLPI requests that the City Council ensure that, "meeting carbon reduction" targets does not include the use of public funding to engender the profligate use of Renewable Energy Credits, nor reliance on notional and unproven technologies like so called carbon capture and utilization, in lieu of actual building retrofits, which is the best way to comply with LL 97 and produce thousands of family-wage sustaining union jobs.

Finally, NYLPI is concerned with the current status of Local Laws 60 and 64 of 2017. According to the website of the Mayor's Office of Climate and Environmental Justice (MOCEJ), these laws were ratified to, "to assess environmental equity issues in the city and develop a plan to incorporate environmental justice into the fabric of City decision-making."<sup>9</sup> The website also indicates that the three main products of LLs 60 and 64 include a comprehensive study of environmental justice in New York City, a public web-based portal and mapping tool, and a plan to identify potential citywide and local initiatives for promoting environmental justice. The report and the portal are supposed to be released this year, but there have been no public updates indicating this will actually happen, and a recent solicitation of the MOCEJ website revealed no information on the status of the requirements of LL 60, which were supposed to be completed by December 31, 2018.<sup>10</sup>

The people require more information on how the City Council plans to comply with LL 60 as well as the status of the environmental justice report, web-based portal, and plan for citywide initiatives, and what budgetary steps will be taken to ensure these products are made available as expeditiously as possible. The City currently faces myriad environmental justice and associated public safety challenges that are being exacerbated by a climate crisis that is increasing in intensity as we were reminded during Hurricane Ida, which took the lives of 13 New York City residents.

When this report is finalized, NYLPI presses the City Council to include requisite funding to study one of the biggest threats to alignment with the tenets and principles of environmental justice, hyper-gentrification that disproportionately displaces Black New Yorkers and forces many of them to relocate to communities inundated with toxic air, toxic water, and an overall toxic quality of life. According to a recent New York Times article, the number of Black children and teenagers living in the City declined by more than 19 percent between 2010 and 2020.<sup>11</sup> Moreover, Harlem lost more than 5,000 Black folk over a decade while nearly 9,000 white folk moved in, and Bed Stuy lost more than 22,000 Black folk while gaining 30,000 new white residents. The intensifying climate crisis exacerbates this situation as many of these communities are also subjected to the worst instances of flooding events in the City. However, when it comes time to make these residents and communities and whole after a climate exacerbated event, rather than being offered relief from the system, they are subjected to systemic racism. For instance, it's been reported that the Federal Emergency Management Agency (FEMA), "has allocated billions of dollars of flood-mitigation money using a racially inequitable system that has favored saving flood-prone houses in rich areas or in communities that are almost entirely white."<sup>12</sup> When Black, Brown, and poor residents

are denied claims, they are forced to sell their properties to land developers who then re-develop properties and, in turn, sell them at rates that are unaffordable.

This is execrable and unacceptable. The people who brought this City and the world renowned contributions, from the Harlem Renaissance to Hip Hop music and culture, are being deracinated from the communities that assisted and cultivated the individuals and collectives who made these epochal contributions to the fabric of our city possible. This may explain, in part, why journalist Xochitl Gonzalez referred to gentrification as, "cultural annihilation" in a recent piece in the Atlantic entitled, *Gentrification is Not Passive*.<sup>13</sup> Furthermore, Dr. Mindy Thompson Fullilove, MD of Columbia University and Columbia Presbyterian Hospital coined the psychological condition known as "Root Shock" to describe the, "profound traumatic stress associated with destruction of a neighborhood via gentrification and so-called urban renewal." As, "I venture to propose that displacement is the problem the twenty-first century must solve. Africans and aborigines, rural peasants and city dwellers have been shunted from one place to another, as progress has demanded, "Land here!" or "People there!" In cutting the roots of so many people, we have destroyed language, culture, dietary traditions, and social bonds. We have lined the oceans with bones, and filled the garbage dumps with bricks."<sup>14</sup> Yes, we need to clean up, decarbonize, and de-toxify disadvantaged and other environmental justice communities. But we must no longer treat the people currently living in these communities as pollutants to be swept out and washed away in the process of doing so.

The City must not replicate FEMA's racism and immediately dispatch of anachronistic laws written at the beginning of the last century that indemnify it from responsibility for presiding over inadequate and shoddy infrastructure that subjects Black, Brown and poor communities to increased flooding and other climate-related cataclysms. If this City Council and this mayor truly believe in the reality of climate change, then you must acknowledge that the damage from climate-exacerbated weather events are not the result of, "extraordinary or excessive" rainfalls, but a result of climate change itself, which is here, quotidian, and becoming more powerful by the day. Failure to do so is a manifestation of climate denialism that puts the lives of Black, Brown, and poor New Yorkers at increased and heightened risks. Climate justice is not just a concept, it's also a set of actions to accommodate and center those who are most at risk to the impacts of climate change.

In closing, NYLPI wishes to lift up the fact that Mayor Adams' proposed budget does not reflect the panoply of revenue options contained in the federal Inflation Reduction Act, including funding for municipalities to invest in projects that tackle climate pollution and other climate justice challenges.<sup>15</sup> It is imperative the City Council press the mayor to apply for these funds in collaboration with this committee and community-based organizations including, but not limited to, the New York City Environmental Justice Alliance, UPROSE, South Bronx Unite, and We Act for Environmental Justice, and quickly, as the Notice of Intent for these federal grants is due on April 28, 2023.

With adequate funding and solicitation of federal funding sources we can deliver climate justice to all New Yorkers without displacing or adversely impacting the people who brought the City and the world the hip the hop the hippie hop while ensuring our City's Just Transition moves to the bang bang boogie to beat.<sup>16</sup>

Thank You,

Anthony Karefa Rogers-Wright for the NYLPI EJ Program

Committee on Environmental Protection, Resiliency and Waterfronts  
Preliminary Budget Hearing - Environmental Protection  
New York City Council

7 Mar 2022

Mayor Adams has laid out an appropriately ambitious goal of 500,000 units of new housing over the next decade, and a sizable proportion of that will likely be 100% affordable or mixed-income housing. However, some parts of the city simply do not have the sewerage capacity to support this new housing development without upgrades, and the burden of upgrading an entire neighborhood's sewer system is being unfairly placed on the first developer who attempts to build in the area. Additionally, the approval process for DEP approvals is long and burdensome and there is a huge risk and uncertainty inherent to working below grade in the public right-of-way.

**Burden placed on first developer.** In recently rezoned areas, such as Southeast Queens and East New York, the existing infrastructure cannot support new development, placing the burden on the first developer in the area. Though the area has zoning that allows affordable or mixed-income housing, DEP requires the first developer in the area to finance and build sewerage in the public right-of-way to support the development. Such privately-built sewers in public streets can range up to 2400' in length, or approximately three long blocks - such infrastructure cost can be cost-prohibitive.

**Long and painful process for DEP approvals.** Delays in the DEP approval process add time, expense, and uncertainty to projects. While DEP has 30 days for initial comments on an application, the department typically exceeds this allowance. Additionally, there are multiple rounds of comments, so a 30-day process becomes 60+ days. The approval process takes so long that a developer often needs to stop construction. Prior to development, it is challenging to determine available infrastructure because access to the maps was discontinued after 9/11.

**Enormous uncertainty.** The uncertainty regarding work in the public right of way puts unsustainable burdens on project budgets. It is challenging for private developers to raise the funds to cover the costs of work in the public right of way, including the necessary contingency. The enormous uncertainty of working below grade in the public right of way presents an unacceptable risk for many developers. Additionally, the buying power of an individual developer is limited compared to what DOT can bring to the market.

**Need for City investment in upzoned areas.** DEP should design and building appropriate systems to serve whole neighborhoods after a City-sponsored upzoning. Upgrading the sewers a few blocks at a time is inefficient and cost-prohibitive. Instead, DEP should be designing and constructing neighborhood-wide upgrades in communities where there has been a City-led upzoning. An individual developer should not be shouldering the full cost of developing appropriate infrastructure in the public street in previously underserved areas.

The bottom line is that if the City wants more housing developed, be it all affordable, mixed-income, or both, then it should invest in infrastructure accordingly. Neighborhood-wide infrastructure projects are the appropriate way to design and build this infrastructure.

Thank you to the Chair and thank you to the members of the committee for allowing me the time to speak today on an important topic.

My name is Anthony Guerrero. I've been a member of local 28 Sheet Metal Workers Union for 29 years. I am here today to urge you to support the Carbon Free and Healthy Schools initiative in this year's budget.

Today we have a great opportunity to invest in our schools and we must take advantage of it. There is historic federal funding available through the Inflation Reduction Act that can help New York City fund green retrofits of our public schools, especially concerning our old out of date air conditioning systems which affect our students Air Quality.

Our public schools are old and have old HVAC systems if they have any at all. Most of the time most classrooms will open a window to let fresh air in or have a fan to push the air around. But opening a window is a dangerous thing as we all know. Having a fan push air around you now know, and what we have known for years, is a horrible idea when we think of Covid and all the airborne contaminants we have out there.

Studies have also shown that the air quality in our schools affect our children's studies. Poor air exchange rates or having more carbon dioxide than oxygen leads to drowsy students, which leads to short span of attention, which leads to poor grades or disruptive behavior. And of course, you know that most of these schools are in our communities of color.

My union is urging our Local lawmakers to immediately take advantage of federal funding made available through the Inflation Reduction Act, as well as other federal and state funding initiatives, for energy efficiency retrofits and solar panels on schools. NYC schools can save up to \$275M a year in energy costs, money that can be reinvested into schools. At the same time, we can create thousands of good union jobs across many of the trades.

The benefits of your actions today can make for healthier students, healthier teachers, and thousands of other occupants in our public schools' buildings. We can have thousands of people employed with good union jobs. Imagine, money saved, and money earned for thousands of our residents. It is a win-win solution for all NYC. I strongly urge you to support the Carbon Free and Healthy Schools initiative in this year's budget.

Thank you for your time and consideration.

Anthony Guerrero

Political Director

Local 28 Sheet Metal Workers

# STREET VENDOR PROJECT

URBAN  
JUSTICE  
CENTER

Street  
Vendor  
Project

## ABOUT SVP

The Street Vendor Project (SVP) is a membership-based organization that champions the rights of street vendors as small businesses to earn a living and contribute to the culture and life of New York City. Through direct legal representation, small business training, leadership development, and strategic legislative advocacy, SVP builds power and community among vendors. SVP is part of the Urban Justice Center.

As the only organization that serves street vendors in New York City, SVP is the centralized hub for this underserved population, providing critical services to vendors since 2001. Our staff and members speak a wide range of languages, including Arabic, Bangla, Mandarin, Spanish and Wolof.



## NEW YORK CITY STREET VENDORS

Street vendors are New York State's smallest businesses, and an essential part of the fabric of New York City's culture and economy. Nearly 20,000 entrepreneurs, primarily immigrants, people of color, military veterans and women, are employed as street vendors. Their work ensures under-resourced neighborhoods have access to fresh, affordable food, commercial districts have diversity of business, while serving the quintessential New York experience to tourists and residents alike.

The street vending industry has grown exponentially within the last three years as many New Yorkers who found themselves unemployed due to the COVID-19 pandemic turned to street vending for an income. This has dramatically increased the demand for SVP's services.



## KEY STATISTICS

- **20,000** Estimated Number of Street Vendors in NYC
- **\$71.2 million** Annual amount street vendors generate in local, state & federal taxes
- **\$293 million:** Annual economic activity generated by street vendors in NYC
- **95%:** Percentage of street vendors who are immigrants
- **59%:** Percentage of SVP's membership who are female



# SVP PROPOSAL FOR NEW YORK CITY COUNCIL FY24

With support from New York City Council, SVP will expand five critical programs that serve street vendors, New York City's smallest businesses:

- (1) Community Outreach and Education Program
- (2) Small Business Consultation Program
- (3) Vendor Powered Food Distribution Program
- (4) Merchant Organizing & Placemaking
- (5) Environmental Justice Initiative



## **Community Outreach and Education for Street Vendors (145258):**

SVP conducts multilingual outreach in a range of formats to educate street vendors on the rules and regulations of vending, teach them their legal rights and responsibilities, and connect them to a variety of resources ranging from public health to immigration. SVP's model of engagement prioritizes meeting street vendors where it's convenient to them, on the streets, sidewalks, commissary kitchens, and in storage garages, accommodating the schedules of these business owners. With SVP's expertise in New York City's vending communities built over the last 22 years and the extensive language and culturally specific capacity of our staff, we have developed trust and been able to reach members from some of the most marginalized communities.

**Request for Support: \$627,000**

## **Small Business Consultation Program (135479):**

We created the Small Business Consultation Program in 2020 to provide a holistic approach to establishing financial independence, self-sufficiency, and small business growth for vendors across the five boroughs. Through this program, facilitated in five languages by our multilingual staff, we provide our members with the tools, resources, and skills to grow their businesses, including assistance with setting up bank accounts, taking e-payments, and using social media to market their businesses. This program is specifically targeted to the street vendor population, many of whom are older with limited digital literacy. In the past year, we have conducted over 500 individual consultations with vendors in five languages.

**Request for Support: \$500,000**

## **Vendor-Powered Food Distribution Program (145257):**

SVP employs street vendors, our city's smallest businesses, to cook and distribute meals at community events such as celebrations for Eid al Fitr, Eid al Adha, Christmas, Lunar New Year, and Three Kings Day, in partnership with local organizations. Since 2020, SVP has distributed over 20,000 culturally relevant meals made by 80 street vendors at 51 individual distribution sites in locations across Brooklyn, the Bronx, and Queens. In addition to providing delicious and culturally resonant meals to underserved communities, this program provides vendors with critical professional development opportunities to grow their businesses.

**Request for Support: \$125,000**

# SVP PROPOSAL FOR NEW YORK CITY COUNCIL FY24

## **Street Vendor Merchant Organizing and Placemaking (142598):**

We invest in merchant organizing with our city's smallest businesses in key neighborhoods due to the growth of street vending in these areas, the interest from local vendors to create an organized association, and the need to bring vendors into compliance through education, relationship building, and building local capacity to steward commercial revitalization efforts. Each site has unique characteristics and vending populations that can only be addressed through hyperlocal and culturally specific engagement. By engaging vendors and community stakeholders, we foster positive relationships between vendors and additional stakeholders, dispel myths regarding street vendors participation in the community, and strengthen each commercial corridor's economy and safety.

**Request for Support: \$670,000**

## **Environmental Justice Initiative (145483):**

There are currently 5100 permitted food vending carts in New York City, with that number set to increase by 445 each year for the next ten years. Most of these food carts use fossil fuel generators, which emit harmful air and noise pollutants that negatively impact both the environment and vendor health, yet vendors lack clear and affordable alternative technologies to reduce these emissions. Through a collaborative, vendor-led process, SVP has identified and tested a lithium-ion battery that is effective and long-lasting enough to provide a sustainable alternative to fossil fuel-based generators for street vendors. In FY24, we are launching the pilot program by providing this technology to ten vendors and conducting community outreach and education with vendors across the city. This environmental justice program has the potential to vastly reduce the environmental footprint of New York City's food carts and trucks.

**Request for Support: \$300,000**



### **Contact:**

Rachel Aimee, Development Director  
RAimee@urbanjustice.org  
646-923-8395



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## Testimony of WE ACT for Environmental Justice

### To the New York City Council Committee on Environmental Protection, Resiliency and Waterfronts

#### Regarding The City of New York Preliminary Budget Fiscal Year 2024

Dear Committee Chair James Gennaro and Committee on Environmental Protection, Resiliency and Waterfronts:

WE ACT for Environmental Justice (WE ACT) is writing to testify on the need to invest in the City's future by funding environmental and climate policies and programs. Founded in 1988, WE ACT is a community-based organization in Harlem, New York City. At the city, state and federal levels WE ACT has been fighting environmental racism – racial discrimination in environmental policy-making, enforcement of regulations and laws, and targeting communities of color for toxic waste disposal and siting of polluting industries. We recognize and advocate for community-driven solutions that can remedy the institutionalized harms associated with unjust urban planning policies that have plagued communities of color for generations.

We are in the midst of a worsening climate crisis and the City must do everything it can to reduce emissions, decarbonize our buildings, remediate environmental health hazards and more; all with environmental and climate justice as the foundation of this work.

**We strongly urge this Council to recognize the importance and value in making necessary investments in climate justice, resiliency and environmental health policies and programs that make this work possible. WE ACT is concerned that sweeping cuts in the budget through the Program to Eliminate the Gap (PEG) could negatively impact the efficacy of current climate and environmental justice policies and programs and the implementation of the many plans and projects due to hiring freezes and vacancy reductions.**

Mayor Adams' Preliminary Budget for Fiscal Year 2024 explicitly states, "The plan connects capital investment with strategic priorities and includes funding to [...] Protect the city from the impact of severe weather events and climate change".<sup>1</sup> However, this plan does not holistically address the various negative impacts of the climate crisis.

<sup>1</sup> <https://www.nyc.gov/assets/omb/downloads/pdf/sum1-23.pdf>





According to this committee’s report, “138 budgeted positions were cut from DEP in the Fiscal 2024 Preliminary Plan [...] These positions are across a range of titles and programmatic areas, including engineers, inspectors and clerical and managerial positions.” The Department of Environmental Protection (DEP) has a vacancy rate of 17 percent and we are concerned that cuts to the DEP and lack of new funding will negative impact the following:

### **Mayor’s Office Of Climate And Environmental Justice**

There are countless environmental justice issues that need to be identified and addressed in NYC. The Environmental Justice Program has the potential to have a significant, positive impact in improving the lives of New Yorkers who have been systematically denied power and visibility when shaping their communities and neighborhoods. The Environmental Justice Program does require funding in order to right the wrongs of the past and present and to prevent more injustice in the future.

Since the inception of Local Laws 60 & 64 there have been many challenges in achieving the City’s environmental justice goals due to lack of financial support for the Environmental Justice Program. Challenges include:

- inability to do effective outreach to environmental justice communities in order to have meaningful conversations, develop relationships with community stakeholders and build an inclusive decision making processes;
- proactively engaging and collaborating with local and community based environmental justice groups and;
- implementing AdaptNYC mandated by Local Law 122 of 2021.

These challenges obstruct the goals of the Environmental Justice Program and lack of funding will further exacerbate the environmental injustices that impacted communities face. The Mayor’s commitment to environmental justice must be supported by this committee.

**WE ACT asks for funding of \$1M to the Environmental Justice Program for fiscal year 2024.** This will enable the Mayor’s Office of Climate and Environmental Justice to properly execute plans and mandates.

### **Lead Exposure and Poisoning Prevention**

The Department of Health and Mental Hygiene (DOHMH) [reported](#) that 67% of children under six years of age with elevated blood levels are from high poverty neighborhoods. Furthermore, Black, Latino, and Asian children represent 82% of all newly identified cases of elevated blood levels in children under age six. It is imperative that this City Council sees this as an



environmental health injustice and should make ending lead poisoning and exposure in New York City a top priority. This can be achieved by funding City agencies to administer lead poisoning prevention and intervention programs and lead service line replacement; funding staff to collect data and enforce current lead laws; and supporting legislation that closes the gaps in existing lead laws. The city has already [committed to eliminating lead poisoning](#), so should ensure resources are available to meet the goal.

While the City has an inventory and a map, DEP must create a plan to replace lead service lines (LSL) by:

1. Taking responsibility for the replacement of privately owned LSLs.
2. Accessing new federal funding coming to New York State that will reimburse the city to replace privately owned lead service lines.
3. Quickly identifying what material the nearly 27% or 230,000 “unknown” water service lines are to ensure that LSL replacement work is done efficiently.
4. Following series of best practices, developed by advocates, to fully protect public health and prioritize the communities most harmed by the lead poisoning crisis, including, but not limited to:
  - a. prohibiting partial LSL replacements;
  - b. prohibiting replacing LSLs with service lines made of plastic;
  - c. using ratepayer revenue to conduct LSL replacements;
  - d. replacing any LSLs uncovered when upgrading water mains or responding to service line leaks and;
  - e. visually inspect all potential lead or unknown service lines on a block where it is conducting an LSL replacement and replace any LSLs discovered.

### **Climate Adaptation & Coastal Resiliency**

While all of New York City experiences the urban heat island effect caused by the density of impermeable surfaces that absorb heat, neighborhoods like East Harlem are subject to a hyper-local urban heat island effect, exposing these residents to [temperatures as much as 10 degrees hotter than the City average](#). It is also well documented and known to many city agencies that East Harlem is vulnerable to flooding from extreme rain, sea level rise, and storm surge. Residents have been consistently vocal about flooded streets during strong rain. Large areas of the neighborhood sit directly in a high-risk flood zone, according to [flood maps](#) from the Federal Emergency Management Agency.

The most at-risk areas have residents that are majority Black and Latinx and represent some of the poorest in New York City. This is just one of the ways communities of color tangibly feel the legacy of racist policies like redlining. Such policies that have discouraged investment in communities of color have



resulted in a lack of tree coverage, disparities in generational wealth, and poor building maintenance; all of which render both the inhabitants and the built environment ill-equipped to withstand extreme weather events that will only become more severe and frequent as climate change persists.

Comprehensively bolstering vulnerable communities against flooding and extreme heat requires that the appropriate resources are poured into tree planting, permeable surfaces, as well as solar, cool, and green roof installations. An equitable, fiscally responsible, and resilient New York cannot exist without ensuring frontline communities receive these investments that are long since overdue.

In remarks on the tenth anniversary of Superstorm Sandy in October 2022, Mayor Adams [acknowledges](#), “Sandy wasn’t just a storm; it was a warning. Another storm could hit our city at any time and that is why our administration is doing everything we can to prepare and protect New Yorkers. [...] New York City’s infrastructure projects are more complex, novel, and unparalleled compared to any other American city, but many remain in various stages of completion [...] We must continue to act quickly to bolster our defenses, prevent damage, and save lives.”

**This Council must hold Mayor Adams accountable to his proclamations and ensure the following plans and programs are adequately funded:**

1. The Mayor’s Office of Climate and Environmental Justice’s [AdaptNYC](#), especially the [Climate Strong Communities](#) program which “... invests in communities left unaddressed by limited Hurricane Sandy recovery funding and with a focus on environmental justice...” and “...leverages existing resiliency and sustainability planning and capital commitments...” The Climate Strong Communities program vital to environmental justice communities like East Harlem whose in desperate need of implementation of the [Vision Plan for a Resilient East Harlem](#), especially since there is an unfunded gap in the New York City Economic Development Corporation’s [107th Street Pier & Bobby Wagner Walk Reconstruction project](#).



Map illustrating the gap in the NYCEDC project from East 107th to East 118th Streets.

2. Expand and fund green infrastructure<sup>2</sup> throughout the City: Green infrastructure projects, such as rain gardens, bioswales, water squares, green and blue roofs, daylighting rivers, and permeable pavements help absorb stormwater, purify the air, and mitigate the urban heat island effect. This would maximize environmental benefits to all communities, especially in underserved communities and areas that have underutilized spaces.
3. Invest in [natural and nature-based solutions](#), such as wetlands restoration, oyster reefs, dunes, maritime forests, bluebelts, and other living shoreline approaches that could protect residents from coastal and inland flooding.
4. Leverage the funds from the New York State Clean Water, Clean Air and Green Jobs Environmental Bond Act of 2022. [There is \\$1.1 billion in the Bond Act](#) for restoration and flood risk reduction, including \$100 million for coastal rehabilitation and shoreline protection and \$100 million for inland flooding and local waterfront revitalization.

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<sup>2</sup> Green infrastructure involves capturing rain water through natural systems before it enters and overwhelms the combined sewer system.



Prioritizing natural and nature-based solutions will also spur green jobs. Additionally, the City should leverage federal funding from the bipartisan [Infrastructure Investment and Jobs Act](#).

5. Improve and expand the City's [cloudburst infrastructure](#), prioritizing vulnerable communities and holistic solutions. Cloudburst infrastructure involves both grey infrastructure<sup>3</sup> (such as sewer pipes and underground storage tanks) and green infrastructure. The City should continue implementing the [Stormwater Resiliency Plan](#) and improving emergency management for storm-related extreme weather, as detailed in [The New Normal: Combating Storm-Related Extreme Weather in New York City](#).
6. Improve sewage and wastewater infrastructure: An updated and modernized sewer system and wastewater treatment process would prevent combined sewer overflows (CSOs) from dumping unregulated contaminants in our waterways. The City must significantly increase investments and prioritize both green and grey infrastructure to prevent CSOs.

Funding climate adaptation and resiliency projects to low income neighborhoods first and foremost is not only the most equitable option, but also the most cost-effective. Research conducted by the [Smart Surfaces Coalition](#) demonstrated the cost-to-benefit ratio for implementing projects in low income neighborhoods was consistently favorable across five cities, accounting for energy, financial incentive, stormwater, health, climate resilience, and employment benefits.

**Lonnie J. Portis**

Environmental Policy and Advocacy Coordinator

**WE ACT for Environmental Justice**

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<sup>3</sup> Examples of grey infrastructure include upgrading and increasing capacity of treatment plants or creating large storage tanks or tunnels to hold CSOs during rain events.



**NYC City Council  
Environmental Protection Committee  
FY24 Preliminary Budget Hearing  
Tuesday, March 7, 2023  
Re: Climate Jobs NY Testimony on Carbon Free and Healthy Schools**

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Thank you to Chair Gennaro and the members of the Committee on Environmental Protection for allowing me the opportunity to submit testimony addressing a very important issue for the City, its schools, and its fights against climate change and economic and racial inequality.

My name is Tory Kaso and I'm the Campaign Director for Climate Jobs NY's Carbon Free and Healthy Schools Initiative. The Carbon Free and Healthy Schools coalition, which includes the NYC Building and Construction Trades, NYC Central Labor Council, United Federation of Teachers, Council of Supervisors and Administrators, SEIU 32BJ, AFSCME DC37, and Laborers Local 79, is calling for the acceleration of solar installation to 150 schools per year, along with the commitment to completing deep retrofits and installations on all of NYC's public school buildings by 2030, with good labor standards, and is asking for the City Council's support in this year's budget.

The time is now for this investment - climate science demands urgency, and we have found ourselves presented with a historic funding opportunity to invest at the scale needed to make a lasting environmental and economic impact. Last year's passage of the Inflation Reduction Act has provided a previously unavailable source of federal funding New York City can access to meet these commitments, through the income tax credit direct pay provision. However, if we delay any longer, we could miss out on the chance to make lasting impacts for our city and communities.

In taking advantage of the direct pay provision for municipalities, the IRA can provide 40% in federal funds to install solar, and 20% of the cost of retrofitting city's schools.<sup>1</sup>

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<sup>1</sup> Based on Climate Jobs New York's analysis of the Inflation Reduction Act.

By directly investing in solar and becoming a zero-energy school system, these deep retrofits and renewable energy installations would save schools over 8.25 billion dollars in energy expenditures over 30 years - this is money that could be reinvested towards school programming, continued maintenance, or the hiring of additional staff and teachers.<sup>2</sup>

The IRA has made this initiative more fiscally sensible than ever before. The total project cost for installing rooftop solar on 150 school buildings is approximately 50 million dollars; the IRA income tax credit direct payment would be 19.2 million dollars. The projected annual loan payments would be 2.05 million dollars, whereas the annual solar revenue would amount to 2.9 million dollars, outpacing the loan payments. Meaning the payback period would be 4 years, with a 30 year savings of 44.1 million dollars.<sup>3</sup>

But, the benefits of this initiative would go beyond these significant energy cost savings.

Deep retrofits of all 160 million square feet of NYC's public schools would cut energy consumption by 50%, and with the installation of 1.1GW of solar, onsite energy generation would meet the remaining 50%.<sup>4</sup> Combined, the decarbonization of the city's schools would reduce carbon emissions by a total of 713,382 metric tons by 2030, the equivalent of taking 154,000 cars off the road, leading the way in helping the city reach its goal of an 80% reduction in carbon emissions by 2050.<sup>5</sup>

Carbon Free and Healthy Schools is also a significant green jobs initiative. Making all NYC schools carbon-free and healthy by 2030, when the retrofit and solar installation work is done under a project labor agreement and with good labor standards, will provide 45,000 good union jobs for New York City, across a number of trades.<sup>6</sup>

New York City has world class apprenticeship and pre-apprenticeship programs that provide the transferable skills and on-the-job training to lead to long-term high-quality career pathways for New Yorkers of color, women, justice-involved individuals, and frontline communities who for too long have been under-resourced, and left behind.

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<sup>2</sup> Based on Climate Jobs New York's analysis of the Inflation Reduction Act.

<sup>3</sup> Based on Climate Jobs New York's analysis of the Inflation Reduction Act.

<sup>4</sup> "[Climate for Change, A Complete Climate Jobs Roadmap for New York City](#)," Cornell University, ILR School, May 2022, at 20.

<sup>5</sup> "[Climate for Change, A Complete Climate Jobs Roadmap for New York City](#)," Cornell University, ILR School, May 2022, at 23; and City of New York, [Local Law No. 97](#)

<sup>6</sup> Based on Cornell ILR School Carbon-Free and Healthy Schools methodology and analysis in "[Climate for Change, A Complete Climate Jobs Roadmap for New York City](#)," Cornell University, ILR School, May 2022, at 103.

This initiative is not just an investment in the physical structures of schools, it is also an investment in economic and racial equity, helping historically marginalized communities access careers that provide good wages, benefits, job security, and dignity.

Those of you who on the committee who attended our recent apprenticeship tour were able to meet some of today's apprentices training for the green jobs of the future with Laborers Local 79, IUPAT DC9, and IBEW Local 3 and see the amazing efforts being put into these training programs - an investment in Carbon Free and Healthy Schools will help increase access to these and many other excellent apprenticeship programs.

Finally, Carbon Free and Healthy Schools is an investment in our students, teachers, staff, and administrators. Our schools should be beacons of green infrastructure, energy efficiency, and climate change; not out-of-date structures continuing to contribute high carbon emissions and to the denigration of NYC's environmental health. *Every* student deserves working HVAC during cold winters and hot summers, and a safe and healthy learning environment.

An investment in Carbon free and healthy schools is a physical representation of the City's commitment to the success of our public school students, no matter where they're from. Carbon free and healthy schools is an investment in students and schools *now* that will have a lasting impact for generations to come.

Recently, over a majority of City Council members, including many of the members of the Committee on Environmental Protection signed onto a letter of support, expressing commitment to supporting the acceleration of solar installation and completion of retrofits on all NYC school buildings, with strong labor standards in the Fiscal Year 2024 budget. We are deeply grateful and greatly encouraged by your support. We are asking that you stand by that commitment by including in this year's budget 50 million dollars this year to install solar on 150 schools, and supporting a multi-year plan for deep energy efficiency retrofits of schools that include HVAC, and electrical upgrades, roof repairs, and lighting and window retrofits, prioritizing schools in environmental justice areas, ultimately completing all schools by 2030.



I am writing to ask that you use your leadership as the Committee on Environmental Protection, Resiliency and Waterfronts to **uphold environmental justice standards, demand proper mitigation and procedural policies regarding resiliency projects and align with the Right to Clean Air and Water and a Healthful Environment for all New Yorkers** that is enshrined in our state constitution.

Please call for

- • **The Immediate Halt of the Destruction of East River Park**
- • **Immediate Interim Flood Control Measures**
- • **Oversight Hearing to Investigate the East Side Coastal Resiliency (ESCR) project**
- • **Oversight Hearing to Investigate the TREE WORK PERMIT process in New York City and a newly enacted TREE REVIEW and permitting system, independent of City Council and Mayoral influence**

The reasons we need these two oversight hearings are explained here:

**1. Oversight Hearing to investigate the East Side Coastal Resiliency (ESCR) project** currently underway at East River Park on the Lower East Side of Manhattan.

These types of “resiliency projects” are and will become more prevalent. We need to ensure every resiliency project is done to the highest environmental justice standards and care, values established tree canopy and biodiverse greenspace, is transparent and adheres to the highest mitigation and interim safety measures. Unfortunately and dangerously, East Side Coastal Resiliency fails each of these measures. As such, we need an **immediate independent outside environmental review** that includes Indigenous climate justice leaders, resiliency experts, scientists, environmental landscape engineers, and local health and community organizers.

We need this **immediate independent outside environmental review** because the East Side Coastal Resiliency project is ripe with processes that harm people, the environment, and hope for a climate just future:

- ESCR has destroyed over 25 acres of formerly biodiverse greenspace and cut down over 700 healthy mature trees. These trees were listed as healthy in the ESCR-EIS-Tree Inventory. The project will destroy another 25 acres and 504 more trees. The effect of the **rising heat index** and **lessened air quality** due to this loss of greenspace and trees on the residents of the Lower East Side and the air quality in general for all of New York City, must be studied and taken into

account. The Lower East Side is an Environmental Justice Neighborhood and already has some of the highest rates of asthma in New York City due to the FDR and Con-Edison power plant. By tearing down 80-year-old trees that mitigate the effects of climate change Lower Manhattan is LESS SAFE and has LESS RESILIENCY now and in the future.

- • Oversight is needed to enforce regulatory monitoring and mitigation per the 2019 DDC Soil Report which recommends air and soil testing, the covering of exposed piles and other mitigation techniques. The exposed soil in the 25 southern acres of East River Park has dangerously high levels of mercury, lead, and other toxic contaminants, as found in the same report. Mitigation for piles of dirt and dust blowing from the park into the neighborhood and East River over the past year has been little to zero. Residents complain of scratchy throats, burning eyes and skin.

As an example for the lack of oversight and care in this regard, the ESCR community liaison Desiree Gazzo, when asked in a community meeting what residents should do regarding the toxic dust said we could, “certainly close our windows.”

- ● The East River Park Amphitheater was demolished by ESCR in December 2021. The site was exposed for months and it was only in August 2022 that asbestos abatement began.
- ● For more than one year, residents have witnessed workers without PPE digging in and moving soil that has dangerously high levels of contaminants at East River Park. In speaking with them, workers have relayed they were not informed of the contaminants documented in the DDC’s SOIL Report.
- ● The same DDC SOIL Report acknowledges high levels of arsenic at East River Park. In September, 2022 high levels of arsenic were found in the water at Riis Houses, the NYCHA campus across the highway from East River Park. The City said this was due to “botched tests.” Since then, Dr. Joshua Rein of Mount Sinai Hospital recommended to state Health Commissioner Dr. Mary Bassett and city Health Commissioner Dr. Ashwin Vasani to, “expand testing of residents at Riis Houses and other public housing developments, noting that routine testing for arsenic is not often performed.” Dr. Rein was the doctor of Josefa Bonet, a Riis Housing tenant who, when she died on October 1, 2022, had four times the upper limit of normal arsenic in her blood. Thus far the state and city Health Commissioners have dismissed Dr. Rein’s recommendation. An oversight hearing into the full damage of ESCR is vital.

There should be full transparency and community involvement in all environmental policy making however;

- ● The Value Engineering Report for ESCR was hidden from the only external consultant to review the project (Deltares), who reported they could not adequately evaluate the validity of the project because of the missing report.
- ● The original Big U resiliency project was comprehensive and called for maintaining most of East River Park as it was, added berms along the east side of the FDR for protection and eventual decking over the FDR, adding greenspace and mitigating toxic fumes that contribute to the highest rates of asthma in New York City. This plan was created in collaboration with community and received FEMA funding to implement. It was abruptly changed by then mayor, Bill de Blasio on September 28, 2018 to the current East Side Coastal Resiliency plan which involves destroying the entire 50 acre park and has disenfranchised and harmed residents and visitors to the Lower East Side.
- ● At the time of contracting, then Comptroller Scott Stringer rejected the contract due to issues. The then mayor Bill de Blasio overrode the Comptroller's decision and forged the contract ahead.
- ● IPC Resiliency Partners, the contractor hired to do the work of ESCR did not exist before putting in the bid for this project. It is listed as an M/WBE, though the person listed as owner is the daughter of one of the contractors. She lives in Texas. The Black Institute and the Women Empowerment Coalition of NYC, Inc. filed suit against the city because the \$1.45 billion contract the city signed with IPC Resiliency Partners for ESCR fails to meet city and federal hiring-quota goals.
- ● Once contracted, the destruction of the south 25 acres and demolition of over 700 trees was swift. In fact, IPC worked in contempt of court, 24 hours a day during the final days Bill de Blasio was in office even though local organizers had secured and produced a Temporary Restraining Order from New York State’s supreme court, that legally halted all work.
- ● Many community members rightfully question this switch of plan and the forceful, almost obsessive need for destruction. Many cite the fact that the new plan makes possible room for

towers - this supported by what every New Yorker knows as the drive for real estate, the current privatization of NYCHA housing along the same waterfront, the mega towers proposed at Two Bridges, and the Plus Pool proposed for the East River - all development schemes whose intended occupants are not the current residents of the Lower East Side and Chinatown.

- ● NYCHA Speaks, a coalition led by NYCHA tenants gathered over 2000 signatories from NYCHA residents against the new ESCR plan. Council Member Carlina Rivera hastily dismissed the organizing effort and all signatories telling NYCHA Speaks that these NYCHA tenants, “didn’t know what they were signing.”
- ● Attorney General Letitia James found issue with the environmental statement findings regarding the project, noting: “(ESCR) project will disproportionately impact minority and low-income people, and the City’s repeated conclusion to the contrary is incorrect.”
- ● 42% of East River Park is dedicated to remain open for people to use at any time during ESCR. The DDC and their Contractor, IPC have shown consistent disregard for their own promise to keep 42% of East River Park open and accessible, leaving residents with very little access to greenspace. Residents have tried to bring attention to DDC/IPC overreach, including the 100-year-old Cherry Grove of Cherry Street in neighboring Corlears Hook Park. Contractors cut trees with nests in them, which is illegal, while NYC Parks Department has never responded to urgent and repeated requests to help the wildlife.
- ● An archeological dig is currently underway at Corlears Hook Park. Repeated misconstrued replies from the City that “nothing of significance was found” is incorrect as State Archeologist, Timothy Lloyd has confirmed that “Native American artifacts” have been located in disturbed soil at the site. Corlears Hook is the site of a massacre of Lenape people, committed by the Dutch in 1643.

## **2. Oversight Hearing to investigate the TREE WORK PERMIT process in New York City and a newly enacted TREE REVIEW and permitting system, independent of City Council and Mayoral influence:**

We all know the importance of trees on health, well-being and climate, especially in a lower income, BIPOC, Environmental Justice area like the Lower East Side. Yet, New York City repeatedly fails this and other Environmental Justice communities. So much so that an August 20, 2021 article in the New York Times, *Why an East Harlem Street Is 31 Degrees Hotter Than Central Park West* states: “If you want to map inequality in New York, you can just count trees.” Where are the ethical standards governing the professional practice of arboriculture in New York City? Further, the Environmental Protection Agency has numerous resources crediting urban trees as vital sources for runoff/pollutant removal and waterfront/shoreline buffers.

Even though there is supposed to be a robust protocol for the protection and removal of trees in New York City, Manhattan Forestry wrote and NYC Parks Commissioner issued a simple one page permit to kill the initial 630 trees at East River Park for ESCR. This permit became valid on December 7, 2021 - one day before the State Judge ordered the Temporary Restraining Order which legally halted work for ESCR, but was violated. The permit has no name listed for who did the inspection (every tree removed in New York City is supposed to be inspected) and the signatory on the permit is illegible.

Because Manhattan Forestry is part of NYC Parks and the Parks Commissioner position is appointed we need a **newly enacted tree review and permitting system, independent of City Council and Mayoral influence:**

In order to protect the Lower East Side and all other waterfront neighborhoods in New York City we ask you to initiate an independent outside review in relation to the guidelines set by ISA (International

Society of Arboriculture ) and to SET UP A COLLABORATIVE PROCESS moving forward intending to advocate and implement the necessary, ethical tree protection protocols within NYC Parks which are required to mitigate and address the effects and root causes of climate change and which will ensure the protection of biodiversity and halt the ecocide currently carried out at East River Park and any other current or future sites.

**Please, take action now.** Halt the further destruction of the only large remaining green space on the Lower East Side of Manhattan and the further demolition of hundreds more healthy, mature trees. Implement immediate interim flood protection for people on the Lower East Side who are now at greater risk of flooding due to the rampant destruction of East River Park. Call for the Oversight Hearings to investigate the East Side Coastal Resiliency project and the Tree Permitting Process in all of New York City, now.

As the United Nations' Intergovernmental Panel on Climate Change (IPCC) makes clear, we don't have much time to protect our waterfronts and our futures from the catastrophic effects of climate change brought on and heightened by destructive projects such as the East Side Coastal Resiliency project. We must, as the IPCC says, "act now and go big" - demanding clear and transformative climate justice based actions that eliminate the influence of capitalism and real estate on environmental policy and protection.

Sincerely,

Quyana,

Emily Johnson

My name is Eric Eisenberg. I'm a volunteer member of the DEP's anti-idling working group. We provide the DEP with input as to how to effectively and fairly operate its anti-idling program, in which DEP enforcement personnel work with citizen-submitted evidence to enforce the city's air pollution laws.

The program is overall, successful. DEP is receiving many citizen submissions, and that number is growing. With Alexa Aviles' Intro 898, finally requiring foreign language access to the idling program, in 2023 or 2024 there could be over 100,000 citizen idling complaints. The resulting tickets educate the idlers to stop polluting the air and harming New Yorkers' health.

DEP air inspectors are due a lot of credit. They do an enormous amount of very boring review of videos of truck and bus engine noise, and act as prosecutors at idling hearings. They are overworked and underpaid.

This is odd, as the revenue they bring in for the city far exceeds their combined salaries. Nonetheless, inspectors are currently forced, given inadequate staffing, to schedule idling hearings sometimes years out from the date of the idling. Idlers have quite appropriately complained about this delay as unfair.

I echo Manhattan Community Board Four's proposal that this program be much better funded. Doing so will benefit the City's air, benefit the City's coffers through increased air pollution fine revenue, benefit morale of DEP air inspectors, and even benefit respondents by providing them with a prompt and fair hearing. There is no reason whatsoever not to aggressively fund this growing citizen complaint program and the required DEP personnel.

Lastly, as the Commissioner mentioned amendments to Julie Menin's wonderful Intro 684, I would caution City Council and the DEP not to allow any edits that would undermine the efficacy of the idling law, or in any way discourage citizen complaints. Higher-level DEP officials have

previewed to the anti-idling working group a number of suggestions for amendments to this bill, some of which are helpful and some of which may be problematic and would discourage citizen participation and reduce the scope of the idling law. Any and all amendments need to be guided by our new constitutional right to clean air.

The answer to the DEP's staffing problems is greatly increased funding that will more than pay for itself, not weakening the important anti-idling program by discouraging complaints or ignoring illegal idling.

Thank you.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 3/7/23

(PLEASE PRINT)

Name: Joseph Mucio

Address: PLUF Financial Services

I represent: NYC DEP

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 3-7-2023

(PLEASE PRINT)

Name: Anthony Rogers Wright

Address: 151 W 30th St. 10th Floor NYC

I represent: New York Lawyers For the Public

Address: Interest

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. BUDGET Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 3/7/23

(PLEASE PRINT)

Name: PETE SIKORA

Address: DEGRAW ST BRLYN

I represent: NEW YORK COMMUNITIES FOR CHANGE

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3.7.23

(PLEASE PRINT)

Name: Rachel Aimee

Address: \_\_\_\_\_

I represent: Street Vendor Project, Urban Justice Center

Address: 40 Rector St. 9th floor  
New York NY 10006

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/7/2023

(PLEASE PRINT)

Name: TORY KASO

Address: 350 W 31st St NY NY

I represent: Climate Jobs NY

Address: BK NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/7/23

(PLEASE PRINT)

Name: Kimberly Cipriano

Address: Deputy Chief speaking officer

I represent: NYC DLP

Address: \_\_\_\_\_



**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 3/7/23

**(PLEASE PRINT)**

Name: Robert Aggarwala

Address: Commissioner

I represent: NYC DEP

Address: \_\_\_\_\_

*Please complete this card and return to the Sergeant-at-Arms*

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: March 7 2023

**(PLEASE PRINT)**

Name: Miranda Massie

Address: BK

I represent: Climate Museum

Address: 120 Wooster, Manhattan

*Please complete this card and return to the Sergeant-at-Arms*