

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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April 5, 2017

Start: 9:39 a.m.

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HELD AT: Committee Room - City Hall

B E F O R E: COSTA G. CONSTANTINIDES  
Chairperson

COUNCIL MEMBERS: Stephen T. Levin  
Rory I. Lancman  
Donovan J. Richards  
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON ENVIRONMENTAL PROTECTION 3

2 [sound check, pause]

3 CHAIRPERSON CONSTANTINIDES: Alright,  
4 good morning on this beautiful Wednesday morning. My  
5 name is Costa Constantinides, Chair of the  
6 Environmental Protection Committee, and today the  
7 Committee will hold a hearing and vote on Intros 359,  
8 sponsored by myself and Intro 886 sponsored by my  
9 colleague and partner, a good friend, Inez Barron.  
10 Both bills amended the Administrative Code in  
11 relation to studying environmental justice,  
12 establishing environmental justice portal and  
13 identifying and addressing environmental justice  
14 issues in New York City. The Committee previously  
15 held a hearing on these bills January 28th of 2016,  
16 and I'll recognize my two colleagues from Queens  
17 members of the committee Council Member Donovan  
18 Richards and Rory Lancman. Thank you both for being  
19 here this morning. From the Civil Rights and  
20 Environment Mental of the 1960s and '70s, the Concept  
21 of environmental justice emerged in the 1980s as  
22 communities, organizations and civil rights leaders  
23 observed that some populations in low-income and  
24 minority communities were disproportionately exposed  
25 to pollution from environmental media, and

2 experienced adverse health effects from pollution to  
3 a greater extent than the general population. Since  
4 the early 1990s, the Environmental Protection Agency  
5 has documented disproportionate exposures to  
6 environmental pollution in communities of color and  
7 their report, *Environmental Equity: Reducing Risks*  
8 *For All Communities*, and in subsequent documents.

9 President Clinton also recognized this in 1994 when  
10 he issued Executive Order 12898 mandating that  
11 executive agencies incorporate environmental justice  
12 into their agency duties. Environmental justice  
13 advocates often say that the movement is about  
14 equitable distribution of environmental burdens and  
15 benefits, but to date a good deal of environmental  
16 justice advocacy is focused solely upon the  
17 environmental burdens. In urban areas like New York  
18 City most of the environmental facilities have  
19 already been cited in environmental justice  
20 communities making mitigation of adverse impacts of  
21 polluting facilities all the more important.

22 Inequitable distribution of environmental benefits is  
23 also a stark example of failed democracy and  
24 environmental injustice. To this issue, President  
25 Kennedy said, "Simple justice requires that public

2 funds for which all taxpayers of all races contribute  
3 not to spend any fashion which encourages, entrenches  
4 subsidized, or results in racial, color or national  
5 origin discrimination." Martin Luther King, Jr. also  
6 said, "Injustice anywhere is a threat to justice  
7 everywhere." These bills could be a first. They  
8 would be the first of any large city in the nation to  
9 mandate consideration of environmental justice  
10 including burdens and benefits by city agencies for  
11 the creation of an interagency working group and  
12 formation of a advisory group of environmental group  
13 activists working in partnership with the interagency  
14 working group. The environmental justice  
15 demonstrates a belief in democracy in its purest  
16 form, which promises there will be full participation  
17 in the kind of decision making that permits a robust  
18 enjoyment of life. This enjoyment cannot take place  
19 in the absence of healthy nature, and a health  
20 environment.

21 Intro 359, my bill, calls for an  
22 environmental justice study and mapping of  
23 environmental justice areas of New York City. It  
24 also calls for recommendations of measures including  
25 legislative initiatives to mitigate environmental

2 inequities in environmental justice communities.

3 Finally, my bill calls for the creation of an

4 environmental justice portal where data, studies

5 [coughs] and other information pertaining to

6 environmental justice can be uploaded. Democracy

7 mandates that government hear the cries of the most

8 vulnerable and poorest of our citizens. Those

9 communities are suffering from environmental burdens

10 that benefit everyone, but must not suffer in silence

11 with no recourse any longer. We all must be part of

12 the solution to get to a sustainable future that

13 leaves no New Yorkers behind. I would recommend a

14 yes vote on both of these bills. I want to thank, of

15 course, my-my-the sponsor of Intro 886, Inez Barron

16 for her strong advocacy. I know it's been a long

17 road for you, Council Member. I want to thank our

18 committee's attorney, Samara Swanston for her decades

19 long advocacy on environmental justice and we-we are

20 very happy to get to this day. Thank you, Samara,

21 for everything that you do. You're really a super

22 star. So thank you, and Billy Murphy, our Policy

23 Analyst as well, our-our second star. So thank you,

24 sir, and, of course Jeff Baker, Ed Adkins, Ramon

25 Martinez, who I know will be mad by mentioning him

2 [laughs] and, of course my staff Nick Wizowski and  
3 John Benjamin. At this time I will turn it over to  
4 my colleague and sponsor of Intro 886-A, Inez Barron.

5 COUNCIL MEMBER BARRON: Good morning to  
6 the Chair and thank you to the members of the  
7 committee for coming to be able to cast a vote on  
8 this legislation. I've been involved in a lot of  
9 justice issues for many, many, many years, and it  
10 particularly came close to home in 1995. It was at  
11 that time that the owner of Bi-Atlas Bio-Energy  
12 Corporation decided that they want to come to East  
13 New York and build a wood-burning incinerator, a wood  
14 burning incinerator. So, of course, we organized.  
15 The owner had tried to build it on South Hampton,  
16 Long Island and, of course, they said no not here.  
17 And so he thought he would find a community that was  
18 low-income with people with lots of other issues, and  
19 perhaps not have the ability to fight and to organize  
20 and have a sustained fight, but fortunately he came  
21 to East New York with his plant we were not going to  
22 allow that plant to exist. So we fought. We  
23 organized. It was a wood burning incinerator that  
24 would have released 94 tons of carbon monoxide into  
25 the air, 47 tons of sulfur dioxide into the air and

27 tons of other particulate matter. So we were very much opposed to that. We had an uphill battle because the—unfortunately the DEP has said well, yeah, that's okay. It's below the—it's below the limits. Never mind the fact that there were three schools less than a half a mile from that and—from that site, and that there was already a waste transfer station adjacent to the site, a large NYCHA development. So we got involved. We organized the community. We had a coalition of people who fought against the East New York incinerator and were victorious. This environmental justice plan that's being voted on today is monumental. This bill is precedent setting. First introduced by my predecessor, my husband now Assembly Member Charles Barron, and about ten years ago. This law will address how city agencies will develop a proactive plan for communities to equitably share both the benefits and the burdens of environmental concerns. Environmental Justice means the fair treatment and involvement of all persons regardless of race, color, national origin or income with respect to the development, implementations and enforcement of environmental laws, regulations, policies and



2 activities and with respect to equitable distribution  
3 of environmental benefits. This law affirms that no  
4 group should bear a disproportionate share of the  
5 negative environmental consequences resulting from  
6 industrial, municipal and commercial operations or  
7 the execution of federal, state or local programs, or  
8 we see an inequitably lower share of environmental  
9 benefits. This environmental justice plan  
10 establishes an interagency working group composed of  
11 various agencies that will provide guidance to  
12 incorporate environmental justice concerns into city  
13 decision making, identify initiatives for proceeding-  
14 for proceeding with environmental justice and provide  
15 recommendations for city agencies to bring operations  
16 and programs in line with environmental justice  
17 concerns. The interagency working group will issue  
18 progress reports on the implementation of the justice  
19 plan annually, and an update every five years. The  
20 plan also establishes an advisory board, which will  
21 make recommendations to the interagency working  
22 group, hold public hearings and consult with  
23 developing environmental justice plans. This  
24 legislation is a model that will be replicated around  
25 the nation. I'm pleased to see that New York City is

2 in the vanguard of the movement to ensure that as we  
3 continue to become aware of ways to protect our  
4 environment and correct the harm that we've done in  
5 the past that communities will be treated equitably.  
6 I'm pleased to have brought this legislation to my  
7 colleagues who have gained such extensive support,  
8 which is indicative of their understanding of the  
9 impact of this legislation. I want to thank the  
10 Chair Costa Constantinides for partnering with this  
11 movement. I want to thank the Speaker, Ramon, my  
12 staff Ndigo Washington who is my Legislative  
13 Director, Joy Simmons, my Chief of Staff and Bill  
14 Mur-Bill Murray, the Policy Analyst, Ed Adkins the  
15 Supervisor and Deputy Director, and especially-  
16 especially as has already been noted, Samara Swanston  
17 for her untiring dedication to bringing this  
18 legislation to fruition. Thank you, Mr. Chair.

19 CHAIRPERSON CONSTANTINIDES: [pause]  
20 Thank you, Council Member Barron. Thank you, and  
21 with that, I recommend a yes vote on both pieces of  
22 legislation if the clerk would please call the roll?

23 CLERK: William Martin, Committee Clerk,  
24 roll call vote Committee on Environmental Protection.  
25 Chair Constantinides.

2 CHAIRPERSON CONSTANTINIDES: Proudly aye.

3 CLERK: Richards.

4 COUNCIL MEMBER RICHARDS: Permission to  
5 explain my vote.

6 CHAIRPERSON CONSTANTINIDES: Absolutely.

7 COUNCIL MEMBER RICHARDS: I just want to  
8 congratulate both the sponsors of—of these critical  
9 bills, and when we look at what the new Trump  
10 Administration is doing, how they're rolling back  
11 regulations that really have benefitted not just our  
12 communities, but the country as a whole, the Obama  
13 regulations that were put in place to ensure that we  
14 can focus on clean water and clean air, these bills  
15 are so timely for our communities in particular. And  
16 just, you know, the—the main factors that when you  
17 look at environmental justice, Black children are two  
18 times more likely to have asthma than white children  
19 across the city. And really addressing environmental  
20 justice in particular is—is so critical in—in-in-in  
21 focusing and—and bringing the focus on economic  
22 justice, economic equality and it—it all fits into  
23 one whole package, and when we look at climate  
24 change, in particular as we always say, you cannot  
25 solve the climate issue without focusing on

2 environmental justice. There's no way around it. So  
3 I am so happy for the work that was done. I know  
4 Samara was working on this as well for a very long  
5 time, and I want to thank your for your continuous  
6 advocacy and, of course to the Barrons. You are a  
7 prime example of when husband and wife works together  
8 well, things—good things happens not only in the  
9 house but in the—in the city and country. So I want  
10 to congratulate all of you on—on the work you've done  
11 and Bill Murray as well for the work that they've—  
12 you've done on this legislation. Thank you. I vote  
13 aye.

14 CLERK: Lancman.

15 COUNCIL MEMBER LANCMAN: As a co-sponsor  
16 of both bills, I'm happy to vote aye. Thank your.

17 CHAIRPERSON CONSTANTINIDES: Alright so  
18 at a—at a time when—oh, wait. [background comments]

19 CLERK: Council Member Levin.

20 COUNCIL MEMBER LEVIN: I vote aye on all.

21 CLERK: By a vote of 4 in the  
22 affirmative, 0 in the negative and no abstentions,  
23 both items have been adopted by the committee.

24 CHAIRPERSON CONSTANTINIDES: At a time  
25 as—as my colleagues have referenced, at a time when

2 we the national, the federal government is ripping up  
3 environmental justice legislation, we are the first  
4 jurisdiction to stand forward here on environmental  
5 justice, and the most expansive law in the country.  
6 So I congratulate my colleague Inez Barron, and  
7 looking forward to seeing this pass this afternoon,  
8 and with that we're going to leave the vote open so  
9 my other colleague Eric Ulrich is on the way to come  
10 and vote, and we'll gavel this committee hearing of  
11 the Environmental Protection Committee--It should be  
12 the Environmental Justice Committee, the  
13 Environmental Protection Committee closed.

14 [background comments]

15 COUNCIL MEMBER LEVIN: Is it okay if I--I  
16 want to congratulate Council Member Barron--

17 CHAIRPERSON FERRERAS-COPELAND:

18 [interposing] Absolutely.

19 COUNCIL MEMBER LEVIN: --on this  
20 legislation, very important legislation that's going  
21 to impact a lot of communities in our city, and have  
22 a long-term impact that is going to be very positive.  
23 So I want to thank you very much.

24 CHAIRPERSON CONSTANTINIDES: With that,  
25 now we'll really gavel it closed. Thank you. [gavel]

2 CLERK: Continuation roll call the  
3 Committee on Environmental Protection, Introductions  
4 359-A and 886-A, Council Member Ulrich.

5 COUNCIL MEMBER ULRICH: I vote aye. I  
6 vote aye. Thank you.

7 CLERK: The final vote on both of these  
8 items now stands a 5 in the affirmative, 0 in the  
9 negative and no abstentions.

10 CHAIRPERSON CONSTANTINIDES: With that,  
11 we will officially end and close the vote and gavel  
12 this committee hearing closed. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 28, 2017