

NEW YORK STATE ASSEMBLY

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Committee On  
Environmental Conservation

Carl E. Heastie • Speaker  
Steve Englebright • Chair



ANNUAL REPORT



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on Environmental Conservation  
COMMITTEES  
Energy  
Higher Education  
Rules  
Science and Technology

STEVEN ENGLEBRIGHT  
4<sup>th</sup> Assembly District  
Suffolk County

December 15, 2022

Honorable Carl E. Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Dear Speaker Heastie:

I am pleased to submit to you the 2022 Annual Report of the Assembly Standing Committee on Environmental Conservation.

This report describes the legislative actions and major issues considered by the Committee and sets forth our goals for future legislative sessions. The Committee addressed several important issues this year including establishing a producer take-back program for carpets, establishing a two-year moratorium on certain cryptocurrency mining operations that use fossil fuels, and prohibiting the use of certain neonicotinoid pesticides in ornamental and agricultural applications. The Committee held hearings on the development of electric vehicle charging stations, all-electric buildings, and the role of state authorities in the development of renewable energy.

Under your leadership and with your continued support of the Committee's efforts, the Assembly will continue the work of preserving and protecting New York's environmental resources during the 2023 legislative session.

Sincerely,

A handwritten signature in black ink that reads "Steve Englebright".

Steve Englebright, Chairman  
Assembly Standing Committee on  
Environmental Conservation

**2022 ANNUAL REPORT**

**OF THE NEW YORK STATE ASSEMBLY**

**STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION**

**Steve Englebright, Chairman**

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## **COMMITTEE RESPONSIBILITIES**

The Assembly Standing Committee on Environmental Conservation has jurisdiction over legislation affecting State environmental policy. The Committee considers bills amending the Environmental Conservation Law (ECL), Executive Law, Soil and Water Conservation Districts Law, and Navigation Law.

The primary concerns of the Committee are pollution prevention and control, resource management, and environmental quality issues. The Committee also monitors the activities and enforcement of environmental laws by the Department of Environmental Conservation, known as “the Department.” During the 2022 Legislative Session, the Committee considered 404 bills, acting favorably on 61, with 45 becoming law.

## **MAJOR ISSUES OF 2022**

### **A. BUDGET HIGHLIGHTS**

The State Fiscal Year (SFY) 2022-23 Enacted Budget included over \$5 billion in funding for environmental programs as well as monies for drinking water, wastewater infrastructure, and recycling programs. Additional details about the Enacted Budget follow.

#### **Environmental Bond Act of 2022 “Clean Water, Clean Air, and Green Jobs”**

The Budget increased the Clean Water, Clean Air, and Green Jobs Bond Act to a total of \$4.2 billion. The Bond Act was approved by voters in the November 2022 General Election and included funding for restoration and flood risk reduction, water quality improvement and resilient infrastructure, open space land conservation and recreation, and climate change mitigation. The Bond Act also included \$500 million for zero-emissions school buses and supporting infrastructure, \$400 million for green building projects including renewable heating and cooling systems, \$200 million for air and water pollution control in Disadvantaged Communities, \$150 million for farmland protection, and \$250 million for municipal stormwater grants.

#### **Wetlands**

The Budget contained an update to the regulation of freshwater wetlands, including decreasing the regulated acreage minimum from 12.4 acres to 7.4 acres beginning in 2028 and adding wetlands of “unusual importance” beginning in 2025. Examples of wetlands of unusual importance include wetlands in urban areas, those that provide habitat for endangered or threatened species, and those of significant importance in protecting the State’s water quality. The Budget also clarified that landowners can seek a determination from the Department as to whether a wetland is regulated and if their proposed activity would require a permit, and made Department determinations binding for five years.

#### **Environmental Protection Fund (EPF)**

The EPF was funded at \$400 million, an increase of \$100 million from the previous year, and supported traditional EPF programs such as waterfront revitalization, municipal recycling, water quality improvement, and farmland protection. The Assembly increased funding for State Climate Adaptation Projects, Oceans and Great Lakes Initiative, including the Peconic Bay Estuary, local waterfront revitalization, municipal parks in inner city/underserved communities, and zoos, botanical gardens, and aquariums.

The table on the following page provides a detailed description of the allocations within the individual EPF accounts.

**ENVIRONMENTAL PROTECTION FUND (EPF)**

**\$(in millions)**

<b>EPF Category</b>	<b>2022-23</b>
<b>Climate Change Mitigation and Adaptation</b>	<b>42.550</b>
Greenhouse Gas Management	2.500
State Climate Adaptation Projects	5.300
Smart Growth	3.000
Climate Resilient Farms Program	16.750
Climate Smart Community Projects	15.000
<b>Open Space</b>	<b>184.585</b>
Land Acquisition	40.000
Albany Pine Bush Commission	3.000
LI Pine Barrens Commission	2.500
Environmental Commissions	1.085
LI South Shore Estuary Reserve	1.000
Ag. Non-Point Source Pollution Control	20.000
Non-Ag Non-Point Source Pollution Control	6.200
Farmland Protection	21.000
Biodiversity Stewardship	1.750
Hudson River Estuary Plan	7.500
Finger Lake; Lake Ontario Watershed	2.500
Delaware River Basin Restoration Program	.300
Lake Erie Watershed Protection	.250
Water Quality Improvement Program	22.000
Oceans & Great Lakes Initiative	22.500
Invasive Species	17.000
Soil & Water Conservation Districts	14.500
Agricultural Waste Management	1.500
<b>Parks &amp; Rec</b>	<b>117.990</b>
Waterfront Revitalization	16.500
Municipal Parks	26.000
Public Access & Stewardship	48.690
Hudson River Park	4.800
ZBGA	20.000
Waterway Law Enforcement	2.000
<b>Solid Waste</b>	<b>54.875</b>
Landfill Closure/Gas Management	.750
Municipal Recycling	19.000
Secondary Marketing	.650
Pesticide Database	1.500
Environmental Justice	13.000
Natural Resources Damages	1.775
Pollution Prevention Institute	4.250
Environmental Health	10.000
Brownfield Opportunity Area Grants	3.950
<b>Total</b>	<b>400.000</b>

## **B. ENVIRONMENTAL QUALITY**

### **Siting in Disadvantaged Communities**

**(A.2103-D Pretlow; Chapter 840 of the Laws of 2022)**

There has been an inequitable pattern in the siting of environmental facilities in Disadvantaged Communities, which have borne a disproportionate and inequitable share of such facilities, including hazardous waste management facilities, wastewater treatment plants, hazardous waste sites, incinerators, recycling facilities, waste transfer facilities and petroleum or chemical manufacturing, storage, treatment and disposal facilities. This legislation would require the State to factor in disproportionate or inequitable burdens on Disadvantaged Communities under the State Environmental Quality Review Act (SEQRA) and when making permitting decisions under the Uniform Procedure Act.

### **Jamaica Bay Borrow Pits**

**(A.10188-A Pheffer Amato; Veto Memo 99)**

The Jamaica Bay borrow pits are depressions on the bay floor that were once mined for fill material to create upland areas such as JFK International Airport. At present, the pits are used to deposit sediment. In 2016, a bill was chaptered correcting the longstanding problem of the use of sub-quality dredging material to fill in the borrow pits. However, this law expired on June 30, 2022. This legislation would extend the authorization and revise the fill requirements to comply with federal unrestricted ocean dumping criteria.

## **C. WASTE MANAGEMENT**

### **Alternative Uses for Recycled Glass**

**(A.8720 Englebright; Chapter 32 of the Laws of 2022)**

Buyers of recycled materials have recently reduced their intake of recycled glass. Unfortunately, without a buyer for these recycled materials, not only is recycling glass not economically feasible for many municipalities, it also greatly contributes to the solid waste problem. In order to explore new uses for recycled glass the Legislature passed Chapter 742 of the Laws of 2021, which requires the Department to examine potential new uses for recycled glass. This chapter amendment provides technical amendments to Chapter 742, including revising the areas of study and requiring the report to be posted on the Department's website.



**Addressing the Solid Waste Crisis**  
**(A.4117 Englebright; Veto Memo 49)**

The Draft Scoping Plan, as developed pursuant to the Climate Leadership and Community Protection Act (CLCPA), states that more than 18 million tons of municipal solid waste is generated each year, or 1,850 pounds for every State resident. By reducing or diverting waste from landfills the harmful effects of pollution can be mitigated. This legislation would make it the State goal to source reduce, reuse, recycle or compost no less than 85% of the solid waste generated in the State by 2032 and require a report on strategies to achieve the State’s goal by January 1, 2025.

**Municipal Recycling Funding**  
**(A.8300 McDonald; Veto Memo 148)**

As municipalities seek to update their recycling programs and take on capital projects to improve and streamline recycling efforts, they are encountering increased costs. This legislation would amend the definition of “cost” in the Municipal Recycling Program to clarify that State funding is eligible to be matched by non-state grants.

**Carpet Collection Program**  
**(A.9279-A Englebright; Chapter 795 of the Laws of 2022)**

The Environmental Protection Agency has previously estimated that every year approximately five billion tons of carpet waste goes into landfills, an amount equal to roughly 17 pounds per person. Between 94 and 100 percent of this carpet is made from plastic. In addition to requiring the use of petroleum products for production, discarded carpet also takes up a significant amount of landfill space. However, carpet can be recycled. This legislation would require carpet manufacturers to be responsible for costs associated with carpet collection and would prohibit the use of PFAS in carpets.

**City of New York Litter Control Plan**  
**(A.4115-A Colton; Passed Assembly)**

This legislation would require the City of New York to establish and implement a plan for the control of litter, including an adequate number of receptacles for trash and recyclables in commercial zones and public areas and signage for areas without trash receptacles reminding individuals to take their trash with them.

## **D. FISH AND WILDLIFE**

### **Protection of Horseshoe and Jonah Crabs**

**(A.7710-A Englebright; Chapter 243 of the Laws of 2022)**

This law expands protections for horseshoe crabs relating to their maturity and reproductive behaviors to help ensure that female crabs will not be harvested before they are able to replenish the horseshoe population. This law also provides the Department, until December 31, 2024, with the necessary regulatory authority to assist in the development and facilitation of a long-term restoration strategy for the protection of Jonah crabs and extends such authority for horseshoe crabs.

### **Protection of Wildlife Rehabilitation Facilities**

**(A.9895 Thiele; Veto Memo 119)**

In certain situations, deer hunting adjacent to a wildlife rehabilitation center is incompatible. This legislation would prohibit deer hunting in the Town of Southampton on any State lands directly adjacent to property used for wildlife rehabilitation purposes.

### **Study of Free or Reduced Hunting Licenses**

**(A.4016 Englebright; Passed Assembly)**

Revenue from the sale of hunting and fishing license is remitted to the State's Conservation Fund. Monies in this fund are used to support hunting and fishing related purposes. The language of the fund states, "These moneys, after appropriation by the legislature, and within the amounts set forth and for the several purposes specified, shall be available to the department of environmental conservation for the care, management, protection and enlargement of the fish, game and shellfish resources of the state and for the promotion of public fishing and shooting." This legislation would require the Department, in consultation with the Conservation Fund Advisory Board, to review existing State policies regarding free or reduced-fee hunting and fishing license including the fiscal impact of providing additional free or reduced hunting and fishing licenses.

### **Lead Ammunition Prohibition**

**(A.5728 Glick; Passed Assembly)**

Lead has been known for some time to be highly toxic to the human body. Lead poisoning is especially dangerous to children, whose bodies absorb lead more readily than adults. According to the Centers for Disease Control and Prevention, children's exposure to lead increases the risk for brain and nervous system damage. The dangers of using lead ammunition are not limited to humans. Lead fragments in lead shot are dangerous to small mammals and terrestrial birds. This legislation would prohibit the use of lead ammunition on State land and lands that contribute surface water to the NYC water supply starting January 1, 2023.

## **E. ENVIRONMENTAL ENFORCEMENT**

### **Protection of Class C Streams**

**(A.6652 Englebright; Veto Memo 88)**

Class C waterways, which are waters designated to support fisheries and non-contact activities like boating and fishing, are not currently afforded the protection that is provided to Class A and B streams. However, these waterways provide critical natural habitat for fish like trout, groundwater and aquifer recharge, recreational fishing and boating, flood control, and filter harmful pollutants. This legislation, which was referenced to the Ways and Means Committee, would provide Class C streams with the same protections as Class A and Class B streams.

## **F. PESTICIDES**

### **Compilation of Pesticide Data**

**(A.8716 Englebright; Chapter 30 of the Laws of 2022)**

Given the impact that pesticides can have on both human and environmental health it is important to ensure that their manufacture, sale, and use is well monitored. In order to protect the health of New York's environment, the Legislature passed Chapter 707 of the Laws of 2021, which requires electronic or scannable submission of pesticide reports. This chapter amendment provides technical amendments to Chapter 707, including the requirement of additional data compilation by the Department and electronic submission requirements for pesticide applicators and sellers of restricted use pesticides.

### **Local Wetlands Protection**

**(A.9079-B Burdick; Veto Memo 171)**

Since 1977, local governments have been given the authority to implement a freshwater wetlands protection law in accordance with standards set by the Department. Local governments also have jurisdiction over all freshwater wetlands within their boundaries that are less than 12.4 acres. This legislation would expand the oversight authorization to include pesticide application. However, the legislation would not authorize local governments to regulate pesticides, just their application on wetlands.

**Birds and Bees Protection Act**  
**(A.7429-A Englebright; Passed Assembly)**

Pollinators have experienced drastic population decreases, with a 2017 report from the Center for Biological Diversity finding that 40 percent of pollinators, mostly bees, are facing extinction. In 2020, Cornell University released “Neonicotinoid Insecticides in New York State: Economic Benefits and Risk to Pollinators,” a report funded by the State Environmental Protection Fund (EPF). The report contained a risk-benefit analysis of neonicotinoid pesticide usage in the State. Although the report did not contain any recommendations, the resulting data called into question the effectiveness of neonicotinoid usage in certain applications.

This legislation is intended to address some of the provisions identified in the report and to increase pollinator protections. More specifically, the legislation would prohibit the sale, distribution or purchase of certain neonicotinoid-treated corn, soybean or wheat seeds starting January 1, 2025. The legislation would also prohibit the use of certain neonicotinoid insecticides on ornamental plants and turf, excepting agricultural products and instances where the Department determines that the use of such insecticides is necessary to manage, control or eliminate pests that pose a risk to the environment and crops.

**G. WATER CONSERVATION AND QUALITY**

**Limits to Effluent Limitations on Long Island**  
**(A8719 Englebright; Chapter 8 of the Laws of 2022)**

Long Island is blessed with beautiful ocean harbors and good quality drinking water, all of which is derived from sole-source aquifers. As more becomes known about the adverse impacts of nitrogen on water quality, additional steps need to be taken to protect these important water resources. In 2021, the Legislature passed Chapter 807 of 2021, which limits exceptions to certain effluent discharge provisions in Nassau and Suffolk Counties. This chapter amendment provides technical changes to Chapter 807, including requiring consideration of economic feasibility and cost effectiveness for best available technology provisions.

**Kelp Cultivation**  
**(A.8724 Thiele; Chapter 34 of the Laws of 2022)**

Kelp, which is native to New York waters, plays an important role in the fight to restore the health of our waterways. Kelp acts as a natural sink for carbon and nitrogen, increases oxygen levels, reduces acidification and serves as a natural habitat for fish and shellfish. In 2016, a kelp cultivation pilot program was established in Suffolk County. Due to the success of this program and to facilitate increased kelp cultivation, the Legislature passed Chapter 656 of the Laws of 2021 which authorizes the cultivation of kelp in Gardiner's and Peconic bays in Suffolk County. This chapter amendment provides technical changes to Chapter 656, including expanding the types of seaweed that can be cultivated.

**Water Resources Planning Council**  
**(A.2044-A Abinanti; Passed Assembly)**

Presently, the State's water resources management is governed by separate State and local agencies. This legislation would increase the membership of the Water Resource Planning Council to include regional representation and expand its duties and purposes to help ensure that the State has a comprehensive statewide strategy for water quality and water resources management on an ongoing basis.

**H. FOREST AND LAND RESOURCES**

**Thirty Percent by 2030 Conservation Goal**  
**(A.5390-B Fahy; Chapter 747 of the Laws of 2022)**

Scientists warn that in order to bolster resilience to climate change and help prevent mass extinctions of species, 30% of lands and water systems must be preserved globally by 2030. This legislation directs the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation to develop strategies to conserve at least 30% of the State's land and water by 2030. Conservation would include consideration of community needs across the State including farmland preservation, increasing climate resilience by reducing risk from flooding, and protecting water quality.

**State Geological Trail**  
**(A.8717 Englebright; Chapter 31 of the Laws of 2022)**

There are many naturally and culturally significant geological sites in New York including Niagara Falls, Letchworth Gorge, and the Adirondack and Catskill Parks. In order to protect the geological sites that form the State's unique landscapes, the Legislature passed Chapter 728 of the Laws of 2021, which authorizes the designation of a State geological trail. This chapter amendment provides technical amendments to Chapter 728, including providing the Department with the additional discretion to designate geoparks and establish management plans, and a push back of the effective date by one year.

**Eliminating Inappropriate Place Names**  
**(A.8518 J.D. Rivera; Chapter 322 of the Laws of 2022)**

The origins of the word "squaw" can be traced back to the Algonquian peoples along the coasts of New England in the 1600's and is widely recognized as an ethnic and gendered slur against Native American women. On October 14, 2021, the United States Board on Geographical Names voted unanimously to rename Squaw Island located in the Town of Canandaigua to Skenoh Island. In 2015, the City of Buffalo successfully renamed Squaw Island, a park located on the Niagara River, as Unity Island. This law replaces the name of Squaw Island in the Environmental Conservation Law with Skenoh Island in the Town of Canandaigua, and in State law as Unity Island in the City of Buffalo.

**Catskill Park Coordinator**  
**(A.7753-A Gunther; Veto Memo 113)**

The Catskill Park consists of 700,000 acres of land, public and private, in Delaware, Greene, Sullivan, and Ulster Counties. The land is protected by the "forever wild" clause of the State constitution. This legislation would create the position of Catskill Park coordinator within the Department to ensure continued interaction between State and municipal agencies and stakeholders, including the development of future coordination and partnerships to address natural resource concerns throughout the Catskill Park ecosystem.

**Flax Pond Tidal Wetlands Sanctuary**  
**(A.10187 Englebright; Chapter 759 of the Laws of 2022)**

Flax Pond in Suffolk County is a tidal wetland estuary and provides a habitat for many sensitive and aquatic and terrestrial species. The wetlands are owned by the Department and home to the Flax Pond Marine Laboratory run by the Stony Brook University School of Marine and Atmospheric Sciences. This law will establish a wetlands sanctuary, managed by the Department, and restrict hunting, fishing, trapping and the use of motorboats in the sanctuary.

**Adirondack Open Space Land Use**  
**(A.4074 Englebright; Passed Assembly)**

The subdivision of land into large residential lots, or rural sprawl, impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, fragments ownership, impairs cohesive land management, and undermines the open space character of the Adirondack Park. The purpose of this bill is to require the preservation of valuable ecological resources, such as wetlands, and preserve large intact forest tracts for the protection of wildlife habitat and biodiversity. This legislation would require Adirondack Park residential subdivisions that meet specific lot size thresholds to comply with certain conservation subdivision design criteria, including development of an ecological site analysis and project concept plan, authorization for density bonuses based on the amount of open space preserved, and parameters for designated open space.

**Debar Pond Lodge Constitutional Amendment**  
**(A.7535-D Jones; Passed Assembly)**

The Debar Lodge was built in the 1940's as a private residence and was designed by architect William Distin, who is most famous for designing the Whiteface Inn and the 1932 Olympic Arena in Lake Placid. The State took ownership of the property in 1979 and the Lodge itself in 2004. In 2014, the Lodge was designated on the National Register of Historic Places. The Adirondack Park Agency and the Department proposed tearing down the Lodge and replacing it with a Debar Lodge Day Use Area in 2020; however, doing so could violate the State's Historic Preservation laws. This constitutional amendment would convey to the Debar Pond Institute approximately six acres of land, including the Debar Pond Lodge and associated buildings, in exchange for not less than 300 acres of land located into the Forest Preserve from Debar Pond Institute, Inc.

## **I. CLIMATE CHANGE**

### **Zero-Emissions Vehicle Goals**

**(A.8718 Englebright; Chapter 109 of the Laws of 2022)**

The aggressive greenhouse gas emission reduction goals established in the New York State Climate Leadership and Community Protection Act require aggressive action. Estimates indicate that personal transportation accounts for roughly 20% of greenhouse gas emissions. In order to reduce vehicle emissions, the Legislature passed Chapter 423 of the Laws of 2021, which established in-state sales goals for zero-emission cars, trucks, off-road vehicles and equipment. This chapter amendment provides technical amendments to Chapter 423, including modifying the off-road vehicle and equipment goal and authorizing New York State Energy and Research Development Authority (NYSERDA), rather than the Department, to lead the development of a market development strategy.

### **Urban Heat Island Study**

**(A.10001-B Cunningham; Chapter 563 of the Laws of 2022)**

According to the Buildings Journal, the urban heat island effect occurs when "Pavements absorb and store solar radiation, leading to a further increase in the surface temperatures...heat absorbed by the black asphalt pavements is released into the surrounding environment, resulting in higher temperatures." This law requires the Department to conduct a study and report on the effects of urban heat island and provide recommendations on how to prevent and mitigate such effects.

### **NYC Seawall Study**

**(A.5557 Barnwell; Veto Memo 52)**

In 1900, a Category 4 hurricane, the "Great Storm," struck Galveston, Texas killing up to 12,000 individuals. It was the deadliest natural disaster in U.S history. However, in 1915 a similar storm struck Galveston, but a seawall, constructed in 1904, proved invaluable for protection of the city and its residents. Over the course of the last decade, "once-in-a-lifetime" or "one-hundred-year storms" have occurred at an increasing rate, destroying billions of dollars' worth of infrastructure and devastating the lives of hundreds of thousands of New Yorkers. This legislation would require a study of how such a seawall could prevent economic, environmental, and human damage in New York City.

## **J. CHEMICALS**

### **Flame Retardant Prohibition**

**(A.8723 Englebright; Chapter 11 of the Laws of 2022)**

Flame retardants are a class of chemicals added to furniture, electronics, and building materials intended to help decrease flammability. However, many flame retardants are associated with adverse health effects in animals and humans, including negative impacts on the immune system, infertility, cancer, and adverse effects on fetal and child development. In order to better protect New Yorkers, the Legislature passed Chapter 829 of the Laws of 2021 which prohibits covered flame retardant chemicals in mattresses and upholstered furniture and organohalogen flame retardant chemicals from electronic display stands or enclosures. This chapter amendment provides technical changes to Chapter 829, including modifications to the definitions of "custom upholsterer" and "organohalogen flame retardant chemical," delaying the start date of the prohibitions, and the addition of a certificate of compliance requirement.

### **PFAS in Apparel Prohibition**

**(A.7063-A Fahy; Chapter 820 of the Laws of 2022)**

Per- and poly-fluoroalkyl (PFAS) substances are a class of chemicals, often called "forever chemicals," which includes PFOA, PFOS, and GenX. PFAS are in a variety of products used by consumers, including apparel. Studies have shown PFAS can bioaccumulate in humans over time and have been linked to cancer, thyroid disease, liver damage, decreased fertility, and hormone disruption. This legislation would prohibit the sale of apparel containing PFAS.

### **Mercury in Cosmetics Prohibition**

**(A.8630-A Reyes; Chapter 754 of the Laws of 2022)**

Advertisers and marketers often promote and reinforce a bias toward lighter, more Caucasian skin tones as a more desirable beauty standard. People of color are purchasing skin lightening products contributing to an international industry, estimated to be worth \$31.2 billion by 2024. Skin-lightening products often contain mercury to stop the production of melanin. When absorbed in the skin, mercury can cause kidney damage, skin rashes, psychosis, skin discoloration, and peripheral neuropathy. This law will ban the sale of cosmetics products or personal care products containing mercury.



## **K. DEPARTMENTAL POWERS**

### **Fossil Fuel Powered Cryptocurrency Moratorium** **(A.7389-C Kelles; Chapter 628 of the Laws of 2022)**

The availability of cheap energy and vacant industrial facilities has made western and upstate New York a hub for cryptocurrency mining operations; however, the reactivation of formerly mothballed power plants has placed a strain on the local environment and community. Studies have shown that the magnitude of the computer processing output required to authenticate a single block uses as much energy as an average American household uses in a month. The added energy usage and corresponding increased greenhouse gas emissions from cryptocurrency mining operations performing Proof-of-Work authentications in New York could hinder or prevent compliance with the critical state carbon emissions goals put in law in the Climate Leadership and Community Protection Act of 2019.

This law establishes a two-year moratorium prohibiting the Department from issuing new air permits for fossil fuel powered facilities that utilize behind-the-meter electric energy to operate cryptocurrency mining operations that use Proof-of-Work authentication methods to validate blockchain transactions. Additionally, this law requires the Department, in consultation with the Public Service Commission, to prepare a Generic Environmental Impact Statement for cryptocurrency mining operations that use Proof-of-Work authentication methods.

### **Restrictions on Certain Single-Use Plastics** **(A.8721 Englebright; Chapter 33 of the Laws of 2022)**

In 2017, the world produced 348 million tons of plastic. Of that, 40 percent was used to produce single-use plastic products. In order to reduce plastic waste, the Legislature passed Chapter 734 of the Laws of 2021 which prohibits hotels from providing small plastic bottles containing hospitality personal care products. This chapter amendment provides technical amendments to Chapter 734, including pushing back the start dates of the small plastic bottle prohibition.

### **Excess Edible Food for Food Relief Organizations** **(A.8754 Abinanti; Chapter 43 of the Laws of 2022)**

In 2019, the Legislature passed the Food Donation and Food Scraps Recycling Law which took effect on January 1, 2022, and subjected large food scraps generators to certain requirements. In 2020, the Legislature passed Chapter 63 of the Laws of 2021 to extend and modify Chapter 352 of the Laws of 2020, which clarified the ability of large supermarkets to provide excess edible food to food relief organizations until December 31, 2026. This chapter amendment modifies the definition of "supermarket" to clarify that supermarkets larger than 10,000 sq ft and do not meet the criteria of a "food scraps generator" are authorized to provide excess edible food to food relief organizations.

**Ambient Lead Standards**  
**(A.5541-B Englebright; Veto Memo 87)**

In general, New York has tended to adopt federal lead standards and has subsequently failed to update them. In 2012, the federal Centers for Disease Control stated that there was no known safe blood lead level for children. This legislation would require the Department, and the Department of Health, to propose new standards, and update any existing standards as appropriate, for dust lead hazards, soil-lead hazards and ambient air quality standards.

**Transfer of RGGI Proceeds**  
**(A.7611-B Kelles; Passed Assembly)**

Since 2015, over \$200 million in Regional Greenhouse Gas Initiative (RGGI) proceeds have been transferred into the General Fund during the State budget process. This legislation would prohibit the transfer of RGGI proceeds unless the transfer is used for the purposes outlined in the RGGI CO2 Allowance Auction Program.

**L. INVASIVE SPECIES**

**Aquatic Invasive Species Program**  
**(A.8755 Jones; Chapter 126 of the Laws of 2022)**

Aquatic invasive species present a serious threat to the environment and economically important industries. In order to protect the environment, the Legislature passed Chapter 673 of the Laws of 2021, which makes permanent provisions of law that require operators of motorized watercraft to inspect and clean their watercraft before launch and establishes an Aquatic Invasive Species Inspection Station Program that requires operators of motorized watercraft to possess certification before entering bodies of water in the Adirondacks. This chapter amendment provides technical amendments to Chapter 673, including revised inspection requirements to ensure that motorboats are operating with an approved certificate and an annual review of collected data to identify practical improvements to reduce the potential spread of aquatic invasive species.

**M. AIR QUALITY**

**Idling Education and Outreach Program**  
**(A.7722-A McMahan; Chapter 319 of the Laws of 2022)**

While New York has taken steps to address diesel pollution, these emissions remain a serious health threat. The American Lung Association's 2020 "State of the Air" report found that nearly half of New York's 19 million residents live in counties where unhealthy air endangers their lives and health. This law requires the Department to provide education and increase awareness to the health and environmental impacts of idling vehicles.

**Study on the Impacts of JFK and LaGuardia Airports**  
**(A.8747 Griffin; Chapter 92 of the Laws of 2022)**

JFK and LaGuardia airports' proximity to major population centers in Brooklyn, Queens, and Long Island means many communities are in the airport approach path, potentially exposing individuals to harmful air and noise pollution. The Legislature passed Chapter 721 of the Laws of 2021 to conduct a study on the human health effects caused by airplane traffic emanating from JFK and LaGuardia airports. This chapter amendment provides technical amendments to Chapter 721, including a revised lead State agency and modified areas of study.

**Regulation of Toxic Air Contaminants**  
**(A.6150-B Septimo; Veto Memo 96)**

As are recognized in the Climate Leadership and Community Protection Act, Disadvantaged Communities bear “the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households.” Toxic air contaminants adversely impact the health of individuals living in Disadvantaged Communities. This legislation would help protect air quality in New York State by requiring the Department to adopt standards limiting the emissions of toxic air pollutants including: benzene, formaldehyde, vinyl chloride, polychlorinated dibenzodioxins, polychlorinated dibenzofurans, trichloroethylene and mercury. This legislation also would require the Department to establish regulations specifying when and how fence-line monitoring would be required for toxic air contaminants by major sources.

**N. PETROLEUM MANAGEMENT**

**Bioheating Fuel Requirements**  
**(A.8722 Englebright; Chapter 5 of the Laws of 2022)**

In order to minimize certain emissions from home heating oil, the Legislature passed Chapter 750 of the Laws of 2021 which requires heating oil in the State to be bioheating fuel of at least 5%, 10% and 20% biodiesel by 2022, 2025 and 2030, respectively. This chapter amendment provides technical amendments to Chapter 750, including expanding the definition of "renewable hydrocarbon diesel," to include North American produced fuel and removing the requirement for the Commissioner to adopt regulations to enforce the warranties provision.

## **OVERSIGHT AND PUBLIC HEARINGS**

In 2022, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings and roundtables.

### **Deployment of Electric Vehicle (EV) Charging Stations**

On February 10, the Assembly held a public hearing to examine the development of EV charging stations across the State. The public hearing was conducted by the Assembly Standing Committees on Energy, Science and Technology, Environmental Conservation, and Transportation. The purpose of this hearing was to receive testimony on the status of EV charging station development in the State and to obtain information on future plans and goals for accelerated implementation. The Committees were interested in what planning is being undertaken and what state and federal funding is being made available by agencies, authorities, and utilities, to increase the availability of public EV charging stations in commercial settings including workplaces, urban, suburban, and rural areas, environmental justice communities, and along highways. The Committees received testimony regarding what steps are being taken to improve EV charger access, as well as what resources are available to increase EV charger stations in commercial, urban, suburban, and rural communities, and along highways. Various State agencies, utilities, labor organizations and advocates testified in the hearing.

### **All-Electric Buildings**

On May 12, the Assembly held a public hearing to examine the feasibility and timing of requiring new building construction to be all-electric. The public hearing was conducted by the Assembly Standing Committees on Energy, Governmental Operations, Environmental Conservation, and the Assembly Climate Change Work Group. The purpose of this hearing was to receive testimony on the feasibility and timing of the implementation of all-electric requirements in new construction, and to examine potential impacts to energy infrastructure and ratepayers. The Climate Leadership and Community Protection Act set bold emission reduction goals. According to the 2021 Statewide Greenhouse Gas Emissions Report, buildings accounted for 32 percent of statewide emissions in 2019, primarily because of fuel combustion. The Committees received testimony regarding the feasibility of implementing all-electric requirements in new construction, as well as impacts to energy infrastructure and ratepayers. Various State agencies, utilities, labor and trade organizations, and advocates testified in the hearing.

### **The Role of State Authorities in the Development of Renewable Energy**

On July 28, the Assembly held a public hearing to examine the role of State authorities in facilitating the development of renewable energy to meet the goals of the Climate Leadership and Community Protection Act. The public hearing was conducted by the Assembly Standing Committees on Corporations, Authorities and Commissions, Energy, and Environmental Conservation. In 2019, the Legislature passed the Climate Leadership and Community Protection Act, landmark legislation that set ambitious goals to reduce greenhouse gas emissions and expand the use of renewable energy technology in the State. The CLCPA was a critical step forward in addressing the climate crisis in our state, as well as making New York a national leader in addressing climate change. The CLCPA set a goal to attain an electric grid served by 70 percent renewable energy generation by 2030 and a zero-emissions grid by 2040. The Committees received testimony from State agencies, utilities, labor and trade organizations, renewable energy developers and advocates.

## **OUTLOOK AND GOALS FOR 2023**

The Committee looks forward to the 2023 Legislative Session. The Committee will continue its history of environmental advocacy and achievement by working to enact sound, workable environmental policies and addressing environmental justice issues. Also, the Committee will continue its work to preserve open space. The Committee will consider legislation to improve water quality and ensure safe drinking water. Finally, the Committee will continue to work to protect the state's natural resources and the long-term health and abundance of New York's fish and wildlife populations.

**APPENDIX A**  
**2022 SUMMARY SHEET**

**Summary of Action on All Bills Referred to the Committee on**  
**ENVIRONMENTAL CONSERVATION**

<b>Final Action</b>	<b><u>Assembly Bills</u></b>	<b><u>Senate Bills</u></b>	<b><u>Total</u></b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee (Favorable)	5	0	5
To Ways & Means	15	0	15
To Codes	7	0	7
To Rules	34	0	34
<b>Total</b>	<b>61</b>	<b>0</b>	<b>61</b>
<b><u>Bills Having Committee Reference Changed</u></b>			
To Ways and Means	1	0	1
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b><u>Bills Defeated in Committee</u></b>			
	0	0	0
<b><u>Bills Held for Consideration With a Roll-Call Vote</u></b>			
	29	0	29
<b><u>Bills Never Reported or Held in Committee</u></b>			
	286	23	309
<b><u>Bills Having Enacting Clause Stricken</u></b>			
	4	0	4
<b><u>Motion to Discharge Lost</u></b>			
	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	<b>381</b>	<b>23</b>	<b>404</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>5</b>	

## APPENDIX B

### ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES

<b>Assembly Bill</b>	<b>Sponsor</b>	<b>Description</b>	<b>Final Action</b>
A.2103-D	Pretlow	Protects Disadvantaged Communities from the siting of environmental facilities	Chapter 840
A.4117	Englebright	Declares the goal of the state of New York to source reduce, reuse, recycle, or compost no less than 85% of the solid waste generated by the year 2032	Veto Memo 49
A.5390-B	Fahy	Establishes a land conservation goal for the state to preserve 30% of State land by 2030	Chapter 747
A.5541-B	Englebright	Requires the Department to examine new standards for ambient lead and lead contamination	Veto Memo 87
A.5557	Barnwell	Establishes the New York seawall study commission to study the feasibility of a seawall in the city of New York.	Veto Memo 52
A.6150-B	Septimo	Requires the Department to promulgate standards for toxic air contaminants and establish standards for fence line monitoring from major sources	Veto Memo 96
A.7063-A	Fahy	Prohibits the use of PFAS substances in apparel	Chapter 820
A.7389-C	Kelles	Establishes a moratorium on fossil fuel powered cryptocurrency mining operations that use Proof-of-Work authentication methods to validate blockchain transactions	Chapter 628
A.7710-A	Englebright	Enhances protections for horseshoe and Jonah crabs	Chapter 243
A.7722-A	McMahon	Requires the Department to provide education and increase awareness about the health and environmental impacts of idling vehicles	Chapter 319
A.7753-A	Gunther	Establishes the position of Catskill Park coordinator within the Department	Veto Memo 113
A.8300	McDonald	Allows a municipality to offset costs for municipal recycling projects by applying for additional funding without limiting the availability of State funding	Veto Memo 148

A.8510	Gunther	Adds White Lake, located in Sullivan County, to the definition of inland waterways	Chapter 253
A.8518	Rivera, J.D.	Renames Squaw Island in Canandaigua and Buffalo	Chapter 322
A.8630-A	Reyes	Prohibits the sale of cosmetic products and personal care products that contain mercury	Chapter 754
A.8716	Englebright	Provides technical amendments to Chapter 707 of the Laws of 2021, compilation of pesticide data	Chapter 30
A.8717	Englebright	Provides technical amendments to Chapter 728 of the Laws of 2021, establishment of State geological trail	Chapter 31
A.8718	Englebright	Provides technical amendments to Chapter 423 of the Laws of 2021, zero-emission vehicle goals	Chapter 109
A.8719	Englebright	Provides technical amendments to Chapter 807 of the Laws of 2021, limits to effluent discharges on Long Island	Chapter 8
A.8720	Englebright	Provides technical amendments to Chapter 742 of the Laws of 2021, alternative uses of recycled glass	Chapter 32
A.8721	Englebright	Provides technical amendments to Chapter 734 of the Laws of 2021, restrictions on the use of certain single-use plastics	Chapter 33
A.8722	Englebright	Provides technical amendments to Chapter 750 of the Laws of 2021, bioheating fuel regulation	Chapter 5
A.8723	Englebright	Provides technical amendments to Chapter 829 of the Laws of 2021, flame retardant prohibitions	Chapter 11
A.8724	Thiele	Provides technical amendments to Chapter 656 of the Laws of 2021, kelp cultivation	Chapter 34
A.8747	Griffin	Provides technical amendments to Chapter 721 of the Laws of 2021, impacts of JFK and La Guardia airports	Chapter 92
A.8754	Abinanti	Provides technical amendments to Chapter 791 of the Laws of 2021, excess edible food donations	Chapter 43
A.8755	Jones	Provides technical amendments to Chapter 673 of the Laws of 2021, aquatic invasive species program	Chapter 126



A.9079-B	Burdick	Authorizes local governments to restrict the application of pesticides in certain freshwater wetlands overseen by local governments	Veto Memo 171
A.9279-A	Englebright	Establishes a carpet collection program	Chapter 795
A.9510	Cusick	Extends, until December 31, 2023, the authorization of residential property owners in high risk brush fire areas on Staten Island to cut and remove reeds	Chapter 266
A.9589	Griffin	Extends requirements related to the environmental facility and cancer incidence map	Chapter 197
A.9780-A	Schmitt	Adds Otter Kill Creek, located in Orange County, to the definition of inland waterways	Chapter 342
A.9786	Schmitt	Adds Black Meadow Creek, located in Orange County, to the definition of inland waterways	Chapter 352
A.9895	Thiele	Prohibits the hunting of wild deer on certain State lands adjacent to a licensed wildlife rehabilitation facility	Veto Memo 119
A.9938	Thiele	Makes seaweed cultivation an eligible activity on underwater lands leased and owned by the State	Veto Memo 120
A.9946	Galef	Adds Furnace Brook, located in Westchester County, to the definition of inland waterways	Chapter 313
A.10001-B	Cunningham	Establishes a study on the impacts of urban heat island effect on Disadvantaged Communities	Chapter 563
A.10136	Stirpe	Extends certain provisions relating to the repair of damaged pesticide containers	Chapter 290
A.10159	Lucas	Extends the authority of the Department to manage American eel	Chapter 296
A.10160	Williams	Extends the authority of the Department to manage oysters	Chapter 367
A.10161	Williams	Extends the authority of the Department to manage blackfish	Chapter 297
A.10163	De Los Santos	Extends the authority of the Department to manage alewife	Chapter 298

A.10164	Cahill	Extends the indemnification to certain communities relating to the Hudson River Valley Greenway Compact	Chapter 431
A.10166	Woerner	Extends the authority of the Department to manage all species of freshwater fish	Chapter 368
A.10167	Kelles	Extends the hunting of big game by rifle authorization in the county of Tompkins	Chapter 299
A.10177	Otis	Extends the authority of the Department to manage clams	Chapter 369
A.10178	Englebright	Extends the authority of the Department to fix open season and bag limits for pheasant hunting on Long Island by holders of a junior license	Chapter 300
A.10182	Taylor	Extends the authority of the Department to manage hickory shad	Chapter 302
A.10187	Englebright	Establishes the Flax Pond tidal wetlands sanctuary	Chapter 759
A.10188-A	Pheffer Amato	Relates to the filling of borrow pits in Jamaica Bay	Veto Memo 99
A.10193	Englebright	Extends the authority of the Department to manage commercial food fish licensees	Chapter 760
A.10194	Thiele	Prohibits the taking of sharks with circle hooks	Chapter 303
A.10199	Burgos	Extends the authority of the Department to manage American shad	Chapter 305
A.10200	Gibbs	Extends the authority of the Department to manage weakfish	Chapter 306
A.10201	Gibbs	Extends the authority of the Department to manage bluefish	Chapter 307

## APPENDIX C

### ENVIRONMENTAL CONSERVATION BILLS THAT PASSED THE ASSEMBLY ONLY

<b>Assembly Bill</b>	<b>Sponsor</b>	<b>Description</b>
A.2044-A	Abinanti	Revises the makeup and duties of the Water Resources Planning Council
A.4016	Englebright	Requires the Department to review laws and policies pertaining to free or reduced cost hunting and fishing licenses
A.4074	Englebright	Relates to preserving ecological integrity, wildlife, and open space in the Adirondack Park
A.4115-A	Colton	Requires New York City to establish and implement a litter control plan
A.5728	Glick	Prohibits the use of lead ammunition on State-owned land and on land contributing surface water to the New York City water supply
A.7429-A	Englebright	Enacts the Birds and Bees Protection Act
A.7535-D	Jones	Amends the Constitution to convey land to Debar Pond Institute Inc. in order to facilitate the preservation of historic buildings
A.7611-B	Kelles	Restricts the use of proceeds from the auction or sale of carbon dioxide emission allowances