

ANNUAL REPORT 2021



CARL E. HEASTIE, SPEAKER
STEVE ENGLEBRIGHT, CHAIR

NEW YORK STATE ASSEMBLY
COMMITTEE ON ENVIRONMENTAL CONSERVATION



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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

STEVEN ENGLEBRIGHT
4th Assembly District
Suffolk County

December 15, 2021

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 2021 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 that 100% of in-state sales of new passenger cars and trucks shall be zero-emissions by two thousand thirty-five, establishing the right to clean air and water, and banning the use of flame retardants in mattresses, furniture and electronic stands. The Committee held hearings on the implementation of the CLCPA, the environmental and health effects of neonicotinoid pesticides and the impacts of “proof of work” cryptocurrency mining on the environment.

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 2022 legislative session.

Sincerely,

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

Steve Englebright, Chairman
Assembly Standing Committee on
Environmental Conservation

2021 ANNUAL REPORT

OF THE NEW YORK STATE ASSEMBLY

STANDING COMMITTEE ON ENVIRONMENTAL CONSERVATION

Steve Englebright, Chairman

Committee Members

Deborah J. Glick
William A. Colton
Steven Cymbrowitz
Daniel J. O'Donnell
Aileen M. Gunther
Fred W. Thiele, Jr.
Thomas J. Abinanti
Patricia A. Fahy
Steven Otis
Jaime Rivas-Williams
Didi D. Barrett
Robert C. Carroll
Patrick B. Burke
Judy A. Griffin
Harvey D. Epstein
Karen M. McMahon
Christopher W. Burdick
Jennifer A. Lunsford
Anna R. Kelles
Amanda N. Septimo
Jessica González-Rojas

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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 2021 Legislative Session, the Committee considered 326 bills, acting favorably on 62, with 37 becoming law.

MAJOR ISSUES OF 2021

A. BUDGET HIGHLIGHTS

The State Fiscal Year (SFY) 2020-21 Enacted Budget included over \$3 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 “Restore Mother Nature”

The Budget included a \$3 billion Bond Act subject to voter approval in the November 2022 general election. The Bond Act includes funding for shoreline 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 requires that the Department make every effort practicable to ensure that 35% of the funds benefit environmental justice communities.

Increased Rebates for Municipal Clean Vehicles Projects

The Budget included an increase in the rebate amount that municipalities can receive for the purchase of eligible zero emissions vehicles. The increase raised rebates from a \$750 minimum and a \$5,000 maximum to a \$2,500 minimum and a \$7,500 maximum. This Budget provision also included a new \$300,000 rebate for municipalities that invest in infrastructure projects that support the development of zero-emission vehicles to maximize access by multiple public users.

Youth Hunting Pilot Program

The Budget included a two-year deer rifle hunting pilot program for 12- and 13-year-olds who could not previously hunt with rifles. The Program allows 12- and 13-year-olds to hunt deer, with a crossbow, rifle, shotgun or muzzle-loading firearm, in counties that choose to participate, as long as they are accompanied by a parent or guardian, wear florescent orange or pink material, and always remain at ground level.

Environmental Protection Fund (EPF)

The EPF was funded at \$300 million and included funding for traditional EPF programs such as waterfront revitalization, municipal recycling, water quality improvement, and farmland protection. The Assembly increased funding for oceans and great lakes initiatives, zoos, botanical and aquariums, and farmland protection.

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

ENVIRONMENTAL PROTECTION FUND (EPF)

\$(in millions)

EPF Category	2021-22
Climate Change Mitigation & Adaptation	19.100
Greenhouse Gas Management	1.500
State Climate Adaptation Projects	.800
Smart Growth	2.000
Climate Resilient Farms Program	4.500
Climate Smart Community Projects	10.300
Open Space	151.048
Land Acquisition	30.000
Albany Pine Bush Commission	2.675
LI Pine Barrens Commission	2.000
Environmental Commissions	1.0852
LI South Shore Estuary Reserve	.900
Ag. Non-Point Source Pollution Control	18.000
Non-Ag Non-Point Source Pollution Control	5.750
Farmland Protection	18.000
Biodiversity Stewardship	1.350
Hudson River Estuary Plan	6.500
Finger Lake; Lake Ontario Watershed	2.300
Lake Erie Watershed Protection	.250
Water Quality Improvement Program	18.000
Oceans & Great Lakes Initiative	18.500
Invasive Species	13.238
Soil & Water Conservation Districts	11.000
Agricultural Waste Management	1.500
Parks & Rec	90.077
Waterfront Revitalization	14.150
Municipal Parks	19.500
Public Access & Stewardship	34.451.8
Hudson River Park (HRP)	3.975
ZBGA	16.000
Waterway Law Enforcement	2.000
Solid Waste	39.775
Landfill Closure/ Gas Management	750
Municipal Recycling	15.300
Secondary Marketing	200
Pesticide Database	1.500
Environmental Justice	8.000
Natural Resources Damages)	1.775
Pollution Prevention Institute	4.000
Environmental Health	6.500
Brownfield Opportunity Area Grants	1.750
Total	300.000

B. ENVIRONMENTAL QUALITY

Jamaica Bay Borrow Pits

(A.453 Pheffer Amato; Veto Message 67)

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 is set to expire on June 30, 2022. This bill would revise the fill requirements to make them more protective and better regulate the types of materials that can be deposited into the borrow pits.

Clean Air and Water Constitutional Rights

(A.1368 Englebright; Constitutional Amendment)

Recent water contamination and ongoing concerns about air quality have highlighted the importance of clean drinking water and air as well as the need for additional protections. Several other states including Pennsylvania, Hawaii, Massachusetts and Montana have constitutional protections in place to ensure access to clean air and water. This constitutional amendment follows those models and will ensure that clean air and water are treated as fundamental rights for New Yorkers and to protect the overall health of the people and the environment.

C. WASTE MANAGEMENT

Illegal Dumping of Construction Debris

(A.978 Englebright; Chapter 29 of the Laws of 2021)

Illegal dumping has become a significant problem, especially in the Long Island region, with communities often forced to pay for clean-up costs. In order to discourage illegal dumping from becoming just another cost of doing business, the Legislature passed Chapter 332 of the Laws of 2020, which increased penalties to provide a disincentive for willful large-scale violators. This chapter amendment provides technical amendments to Chapter 332, including modifying the definition of “construction and demolition debris.”

Remedial Program Consideration of Schools and Day Care Facilities

(A.2435 Niou; Chapter 444 of the Laws of 2021)

The Brownfield Cleanup Program recognizes the special status of schools and day care facilities by requiring proposal notification. This law simply extends that recognition to ensure that when remedial programs are being selected for a site, proximity to schools and day care facilities is considered, in addition to the existing consideration of proximity to commercial, industrial, agricultural and recreational areas.

Solid Waste Management Plan
(A.5605 Epstein; Chapter 551 of the Laws of 2021)

Municipalities are responsible for the development of solid waste management plans to meet the State's policy to reduce the amount of waste generated, reuse material if possible, recycle, and compost. New Yorkers generates approximately 14 million tons of waste per year, roughly half of which is sent to landfills. Recycling and composting are tools to help divert waste from landfills, and avoid increasing greenhouse gas emissions. This law helps ensure that municipalities consider how to increase recycling and composting in their local solid waste management plans.

Alternative Uses for Recycled Glass
(A.6333 Englebright; Chapter 742 of the Laws of 2021)

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. Localities across the nation are exploring new uses for recycled glass. This law requires the Department to examine potential new uses for recycled glass.

D. FISH AND WILDLIFE

Restrictions on Taking Horseshoe Crabs
(A.7710 Englebright; Passed Assembly)

This legislation 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.

E. ENVIRONMENTAL ENFORCEMENT

Penalties Related to Endangered and Threatened Species
(A.3930 Englebright; Chapter 352 of the Laws of 2021)

Not only do endangered and threatened species add beauty and wonder to the natural world, but they provide diversity necessary for the maintenance for our ecosystems. This law will help increase awareness of the need for protections of such species and provide additional deterrents to their harm. This law doubles the penalties for the transportation, possession or sale of protected endangered and threatened species.

Hunting and Fishing Treaty
(A.6248 Hunter; Veto Message 66)

The Department has issued tickets to tribal members exercising hunting and fishing treaty rights on tribal or nation lands. While those tickets are typically dismissed, tribal members are forced to obtain counsel and challenge the tickets. This legislation, which is based on the federal "Conservation Necessity Doctrine," would help clarify the ability of tribal and nation members to more fully exercise their treaty rights.

F. PESTICIDES

Prohibition on the Use of Glyphosate on State Property
(A.1263 Rosenthal; Chapter 19 of the Laws of 2021)

Glyphosate was first registered as an herbicide in the United States in 1974 and is the active ingredient in many common weed killer products, including Roundup. The International Agency for Research on Cancer, a World Health Organization, identified glyphosate as a "probable human carcinogen." In order to protect New Yorkers from this carcinogenic substance, the Legislature passed Chapter 378 in 2020 to prohibit the use of glyphosate on State property beginning December 31, 2021. This chapter amendment provides technical amendments to that law, including the limited circumstances when glyphosate can be used.

Compilation of Pesticide Data
(A.4596 Englebright; Chapter 707 of the Laws of 2021)

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. The law already requires commercial applicators and manufacturers report EPA registration number, product name, quantity of each pesticide used, date applied and location of application by address, including five-digit zip code. This law requires manufacturers, commercial applicators and sellers of pesticides to report on electronic forms, or on scannable forms developed by the Department, to ensure policy makers, researchers and the public will have efficient and timely access to the data compiled.

G. WATER CONSERVATION AND QUALITY

Limits to Effluent Limitations on Long Island
(A.4637 Englebright; Chapter 807 of the Laws of 2021)

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. This law will help advance that goal by requiring the usage of best available technology, with special emphasis on reducing nitrogen pollution, and encouraging greater coordination of wastewater planning at the county level in order to minimize potentially duplicative infrastructure.

Kelp Cultivation

(A.7547-A Thiele; Chapter 656 of the Laws of 2021)

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. There are also economic benefits from the emerging kelp farming market. Kelp is an edible and nutritious food, is utilized in cosmetic and personal care products, and is used in fertilizer and animal feed. This law will provide access to State-owned underwater land on Long Island for kelp aquaculture leases.

H. FOREST AND LAND RESOURCES

State Geological Trail

(A.4328 Englebright; Chapter 728 of the Laws of 2021)

There are many naturally and culturally significant geological sites in New York including Niagara Falls, Letchworth Gorge, and the Adirondack and Catskill Parks. These geological sites help form the State's unique landscapes and provide considerable natural, aesthetic, recreational, and symbolic importance to New York's residents and visitors alike.

This law authorizes the designation of a State geological trail. Specific areas, territories, and sites within the State would be studied and then designated as geoparks by the Department. Each designated area would have a management plan designed to foster sustainable activities, such as tourism, and established methods for conserving and enhancing geological heritage.

I. CLIMATE CHANGE

Zero-Emissions Vehicle Goals

(A.4302 Englebright; Chapter 423 of the Laws of 2021)

The aggressive greenhouse gas emission reduction goals established in the New York State Climate Leadership and Community Protection Act (CLCPA) require aggressive action. Estimates indicate that personal transportation accounts for roughly 20% of greenhouse gas emissions. This law establishes zero-emission goals that require the 100% of new passenger cars to be zero-emission by 2035, 100% of medium-duty and heavy-duty vehicles to be zero-emission by 2045 where feasible and 100% of off-road vehicles and equipment to be zero-emission by 2035 where feasible.

J. CHEMICALS

Prohibition on the Use of Coal Tar in Pavement Products **(A.518-A L.Rosenthal; Chapter 596 of the Laws of 2021)**

Recent studies conducted by the U.S. Geological Survey have shown that while levels of the majority of common environmental pollutants in our waterways are consistently declining, components of coal tar sealants are being found at increasing levels. Coal tar-based sealants contain high concentrations of polycyclic aromatic hydrocarbons (PAHs), which have been linked to cancer and are toxic to fish and other aquatic life. This law prohibits the sale of a pavement product containing coal tar and the application of such product to a driveway or parking area starting on December 1, 2022.

TCE Use Prohibition **(A.953 Englebright; Chapter 1 of the Laws of 2021)**

In 2020, the Legislature passed Chapter 370 to prohibit the use of Trichloroethylene ("TCE"). TCE is a toxic chemical and known human carcinogen. According to a report from the U.S. Environmental Protection Agency ("EPA"), TCE is one of the most frequently detected groundwater contaminants. This chapter amendment provides technical amendments including a severability clause and a revised effective date of December 1, 2022.

Flame Retardant Prohibition **(A.5418-B Englebright; Chapter 829 of the Laws of 2021)**

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. Children are extremely susceptible to exposure to dangerous chemicals contained in flame retardants. Flame retardant chemicals can persist in the environment or a home for years. This law bans the use of certain flame retardants in mattresses, furniture and upholstered furniture, and electronic displays and cases to help ensure New Yorkers, especially children and firefighters, who are most at risk, are not exposed.

K. DEPARTMENTAL POWERS

Excess Edible Food **(A.963 Abinanti; Chapter 63 of the Laws of 2021)**

Hunger is a pervasive problem in America and has been exacerbated by the pandemic. An estimated 2.8 million New Yorkers face hunger and food insecurity. To make excess food available to food relief organizations the Legislature passed Chapter 352 of the Laws of 2020. This law is a chapter amendment to Chapter 352 and provides technical amendments including sunset provisions and revised federal liability provisions.

Restrictions on Certain Single-Use Plastics
(A.5082 Englebright; Chapter 734 of the Laws of 2021)

In 2017, the world produced 348 million tons of plastic, with 40 percent used to produce single-use plastic products. Additionally, scientists predict that over eight million metric tons of plastic fail to be recycled and end up in oceans every year. This law prohibits hotels from providing twelve-ounce plastic bottles containing personal care products, like lotion or shampoo, to their guests. This law also imposes penalties ranging from a notice of violation to a \$500 fine for repeated violations. Penalty proceeds will be placed in Environmental Protection Fund.

Excess Edible Food for Food Relief Organizations
(A.6562-A Abinanti; Chapter 791 of the Laws of 2021)

In February 2021, the Legislature passed Chapter 63 which amended the Environmental Conservation Law to require retail supermarkets in excess of ten thousand square feet to make available excess edible food to food relief organizations. Chapter 63 is set to expire on December 31, 2021. This law will extend the donation authorization until December 31, 2026 and help ensure continued food donations to local and community-based food relief organizations reducing the amount of food waste diverted to solid waste landfills.

Transfer of RGGI Proceeds
(A.7611-A 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 from the clean energy technology account unless the transfer of funds is used for the purposes outlined in the RGGI CO2 Allowance Auction Program.

L. INVASIVE SPECIES

Aquatic Invasive Species Program
(A.7735-C Jones; Chapter 673 of the Laws of 2021)

Aquatic invasive species present a serious threat to the environment and economically important industries such as tourism, and commercial and recreational fishing. These pests can kill native plants and animals by carrying harmful diseases or out-competing natural habitat, changing entire ecosystems. Once introduced, these species are nearly impossible to eradicate, and expensive to manage. It is far more cost-effective to prevent the spread of these species than to attempt to control them once they have already been introduced. This law makes permanent a provision that requires operators of motorized watercraft to inspect and clean their watercraft before launch. Additionally, this law requires operators of motorized watercraft to obtain certifications, which can be obtained by self-certifying or from an Aquatic Invasive Species (AIS) inspection station, attesting to the inspection of their motorized watercraft before entering bodies of water in the Adirondacks.

M. AIR QUALITY

Study on the Impacts of JFK and LaGuardia Airports **(A.2140-B Griffin; Chapter 721 of the Laws of 2021)**

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. This law directs the Department, in consultation with the Departments of transportation and health, to conduct a study describing the noise, and human health impacts caused by runways and air traffic and deliver a report to the Governor and Legislature by March 31, 2024, detailing their findings.

Petroleum Bulk Storage Facilities **(A.6177-A Septimo; Chapter 505 of the Laws of 2021)**

Many bulk petroleum storage facilities are near residential communities, including a number of low income and minority communities. Petroleum bulk storage tanks can emit hazardous air pollutants, including benzene, through evaporation loss. The rate of evaporation loss increases in the presence of two factors: heat and vapor pressure. Dark-colored paints have high absorptivity rates and cause metal tanks to retain heat from sunlight whereas white, light-colored, and reflective paints with low absorptivity rates reduce tank heating by minimizing sunlight absorption. This law requires all above-ground petroleum storage tanks to be painted white or beige to help minimize sunlight absorption and the emission of hazardous air pollutants.

N. PETROLEUM MANAGEMENT

Prohibition on the Application of Brine and Flowback Water on Roads **(A.903 O'Donnell; Veto Memo 64)**

The hydraulic fracturing process to extract natural gas, generally referred to as "fracking," generates wastewater with a variety of contaminants. In addition to the many concerns about the safety of the process itself and fracking's effect on groundwater and watersheds, concerns have been raised about the re-use of the wastewater. Some communities use the by product to de-ice roads in the winter and suppress dust, leading to concerns that runoff can contaminate ground water. This legislation would ban the use of wastewater from hydrofracking on public roads.

Prohibition on Burning Dirty Heating Oil
(A.5029-A Paulin; Chapter 591 of the Laws of 2021)

Fuel grade no. 6 contains high concentrations of contaminants, such as polycyclic aromatic hydrocarbons (PAHs), heavy metals, nitric oxide, sulfur dioxide, nickel, and black carbon. PAHs are proven human carcinogens, and sulfur dioxide and nitric oxide are known respiratory irritants. Studies show combustion of heating fuel oil grade no. 6 forms soot that is composed of a complex mix of toxic pollutants and contributes to air pollution. Infants, children, and the elderly are particularly vulnerable to diseases caused by air pollution, including but not limited to asthma, bronchitis, cancer, heart disease, and pneumonia. This law prohibits the use of fuel oil grade no. 6 for heating any building or facility.

Bioheating Fuel Requirements
(A.7290 Englebright; Chapter 750 of the Laws of 2021)

Bioheating fuel is a fuel comprised of biodiesel blended with petroleum heating oil that meets the requirements of the American Society for Testing and Materials (ASTM) International specification D396, a fuel comprised of domestically produced renewable hydrocarbon diesel with petroleum heating oil that meets the specifications of ASTM International D975, or other specifications determined by the commissioner. This law requires that all heating oil sold for use in any building contains 5% biodiesel by July 1, 2022, 10% by July 1, 2025, and 20% by July 1, 2030. Switching to bioheating fuel reduces the emissions of multiple pollutants and greenhouse gasses.

OVERSIGHT AND PUBLIC HEARINGS

In 2021, the Assembly Standing Committee on Environmental Conservation continued its oversight of environmental issues by holding the following hearings and roundtables:

Implementation of the Climate Leadership and Community Protection Act

Chapter 106 of the Laws of 2019 established the Climate Leadership and Community Protection Act (CLCPA), historic legislation that enacted sweeping requirements and goals to address climate change. On May 13, 2021, the Assembly Standing Committee on Environmental Conservation Committee and the Committee on Energy held a hearing to examine the implementation of the CLCPA, including the steps being taken by the Climate Action Council to develop the scoping plan, the Climate Justice Working Group’s development of disadvantaged community definitions, and the progress of the State in achieving renewable energy goals. Witnesses from the Climate Action Council, State Agencies, NYSERDA, and environmental advocates testified.

Impacts of Neonicotinoids on Pollinators and the Environment

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. The Legislature has provided funding via the State’s Environmental Protection Fund to examine the causes for the population decline. In 2020, Cornell University released “Neonicotinoid Insecticides in New York State: Economic Benefits and Risk to Pollinators,” funded by the 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. On September 20, 2021, the Assembly Standing Committee on Environmental Conservation held a hearing to examine the impact of neonicotinoid pesticides on pollinators and the environment. Witnesses from academic institutions, the Department, and environmental advocates testified.

Impacts of “Proof of Work” Cryptocurrency on the Environment

Cryptocurrency is a form of currency that only exists digitally and is managed through a decentralized system for verifying and recording transactions or for issuing new coins into circulation. Operating outside of the centralized banking system, transactions are validated through a process of transaction authentication. There are several different methods of cryptocurrency authentication, but in one method called “proof of work” mining, each transaction is assigned a complex mathematical equation that users within the currency compete with each other to solve. Successfully competing in this process requires the use of increasing amounts of computational power. This has led to a rapidly growing industry of cryptocurrency “miners” who run large-consolidated operations of thousands of computers operating 24 hours a day to validate as many transactions as possible. Given the high energy demands, cryptocurrency mining companies have been reactivating shuttered power plants to-access electricity production at reduced costs.

The 2019 Climate Leadership and Community Protection Act (CLCPA) established the goal of reducing greenhouse gas emissions by 85% of 1990 levels by 2050. On October 27, 2021, the Assembly Standing Committees on Environmental Conservation, Energy, Science and Technology, and the Climate Change Work Group held a hearing to examine the impact of high-energy consuming industries like “proof of work” cryptocurrency mining on the ability of the State to meet the CLCPA greenhouse gas reduction goals, state agency responses, and existing statutory and regulatory permitting processes for cryptocurrency mining to determine what, if any, changes are needed. Witnesses from academic institutions, environmental advocates, and municipal officials testified.

CLCPA Expenditures

The State has access to a variety of funding intended to address climate change, ranging from funding in the Environmental Protection Fund (EPF) to the New York State Energy Research and Development Authority. In addition, the Climate Leadership and Community Protection Act (CLCPA) states that State agencies, authorities and entities “shall...invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive 40% of overall benefits of spending on clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation and economic development.” On November 29, 2021, the Standing Committee on Environmental Conservation and Energy and the Climate Change Work Group held a hearing to examine how agencies and authorities are using available climate change funding, including whether the CLCPA allocation of 40% for disadvantaged communities has been achieved. The Department, NYSERDA, environmental advocates and industry representatives testified.

OUTLOOK AND GOALS FOR 2022

The Committee looks forward to the 2022 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
2021 SUMMARY SHEET

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

Final Action	<u>Assembly</u> <u>Bills</u>	<u>Senate</u> <u>Bills</u>	<u>Total</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; Not Returning to Committee (Favorable)	15	0	15
To Ways & Means	13	0	13
To Codes	15	0	15
To Rules	14	0	14
Total	62	0	62
<u>Bills Having Committee Reference Changed</u>			
To Ways and Means	2	0	2
To Codes	1	0	1
To Mental Health	1	0	1
Total	4	0	4
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Held for Consideration With a Roll-Call Vote</u>	0	0	0
<u>Bills Never Reported or Held in Committee</u>	246	31	277
<u>Bills Having Enacting Clause Stricken</u>	4	0	4
<u>Motion to Discharge Lost</u>	0	0	0
TOTAL BILLS IN COMMITTEE	318	8	326
TOTAL NUMBER OF COMMITTEE MEETINGS HELD		7	

APPENDIX B

ENVIRONMENTAL CONSERVATION BILLS THAT PASSED BOTH HOUSES

Assembly Bill	Sponsor	Description	Final Action
A.518-A	Rosenthal L.	Prohibits the sale and use of pavement products containing coal tar	Chapter 596
A.453	Pheffer Amato	Relates to the filling of borrow pits in Jamaica Bay	Veto Memo 67
A.903	O'Donnell	Prohibits the use of drilling fluids, and flowback water from wells, pools or fields on any highway	Veto Memo 64
A.953	Englebright	Prohibits certain uses of trichloroethylene	Chapter 1
A.963	Abinanti	Authorizes supermarkets to provide excess edible food to food relief organizations	Chapter 63
A.978	Englebright	Prohibits the unlawful disposal of construction and demolition debris	Chapter 29
A.1263	Rosenthal L.	Prohibits the use of glyphosate on State property	Chapter 19
A.1368	Englebright	Establishes a constitutional right to clean air and water and a healthful environment	Approved by Voters
A.2000	Cusick	Extends the authorization of residential property owners in high-risk brush fire areas on Staten Island to cut and remove reeds	Chapter 115
A.2140-B	Griffin	Directs the Department to conduct a study on the health impacts of John F. Kennedy international airport and LaGuardia airport	Chapter 721
A.2435	Niou	Revises remedial program requirements to include consideration of schools and day care facilities	Chapter 444
A.3930	Englebright	Increases certain penalties related to endangered and threatened species	Chapter 352
A.4302	Englebright	Provides that 100% of sales of new passenger cars and trucks shall be zero-emissions by 2035	Chapter 423
A.4328-A	Englebright	Authorizes the designation of geologically significant areas, territories and sites throughout the state, and for the establishment of a State geological trail	Chapter 728

A.4596	Englebright	Requires electronic reporting of pesticide data	Chapter 707
A.4637	Englebright	Limits the exceptions to certain effluent limitations in Nassau and Suffolk counties	Chapter 807
A.5029-A	Paulin	Prohibits the burning of certain grades of fuel oil	Chapter 591
A.5082	Englebright	Prohibits hotels from providing small plastic bottles of personal care products	Chapter 734
A.5094	Tague	Repeals a provision of the Environmental Conservation Law that restricted deer hunting at the Alcove Reservoir	Chapter 349
A.5275	Barrett	Adds the Saw Kill and the Fall Kill Creeks, located in Dutchess County, to the definition of inland waterways	Chapter 287
A.5418-B	Englebright	Prohibits the sale of upholstered furniture, mattresses and electronic stands and enclosures containing certain flame retardants	Chapter 829
A.5605	Epstein	Requires local solid waste management plans to consider composting and recycling	Chapter 551
A.6177-A	Septimo	Reduces emissions of air pollutants from petroleum bulk storage facilities by requiring the use of light-colored paint	Chapter 505
A.6182	Gunther	Adds certain wildlife management units to the yearling buck protection program	Veto Memo 58
A.6248	Hunter	Recognizes Indian treaty rights related to hunting and fishing	Veto Memo 66
A.6305	Woerner	Extends the authority for angling by a single individual with up to three lines in freshwater	Chapter 281
A.6333	Englebright	Directs the Department to study alternative uses for recycled glass	Chapter 742
A.6389	Fahy	Extends the authorization for big game rifle hunting in Albany County	Chapter 119
A.6562-A	Abinanti	Extends provisions relating to food donations by supermarkets	Chapter 791
A.6847	Lemondes	Allows the village and town of Skaneateles to regulate the construction and location of boathouses, moorings and docks	Chapter 569

A.6910	Cusick	Extends the moratorium on the issuance of environmental safety certificates for facilities that use liquefied natural or petroleum gas in New York City	Chapter 174
A.7290	Englebright	Establishes minimum biofuel content requirements	Chapter 750
A.7387	Jones	Extends the authority of the Department to adopt regulations for hunting in the northern zone	Chapter 205
A.7392	Englebright	Extends the authority of the Department to manage American lobster by regulation	Chapter 122
A.7393	Englebright	Extends the authority of the Department to manage striped bass by regulation	Chapter 258
A.7394	Lunsford	Extends the authority of the Department to manage monkfish by regulation	Chapter 123
A.7396	Burdick	Extends the authority of the Department to conduct sweepstakes for subscriptions to "The Conservationist"	Chapter 162
A.7397	Sillitti	Extends the 50% subsidy authorization for the State Water Pollution Control Revolving Fund	Chapter 259
A7547-A	Thiele	Authorizes kelp cultivation in underwater lands at Gardiner's and Peconic bays and extends commercial fishing licenses	Chapter 656
A.7569	Hunter	Extends the authority of the Department to manage deer and bear by regulation	Chapter 207
A.7574	Conrad	Extends the Department's authority to manage migratory game bird regulations	Chapter 208
A.7607	Kelles	Extends the authority of the Department to manage scallops by regulation	Chapter 262
A.7735-A	Jones	Make certain aquatic invasive species inspection requirements permanent and establishes Adirondack Park-specific inspection requirements	Chapter 673

APPENDIX C

**ENVIRONMENTAL CONSERVATION BILLS THAT PASSED
THE ASSEMBLY ONLY**

Assembly Bill	Sponsor	Description
A.7611-A	Kelles	Prohibits the budgetary transfer of RGGI proceeds
A.7710	Englebright	Expands protections of horseshoe crabs relating to their maturity and reproductive behaviors