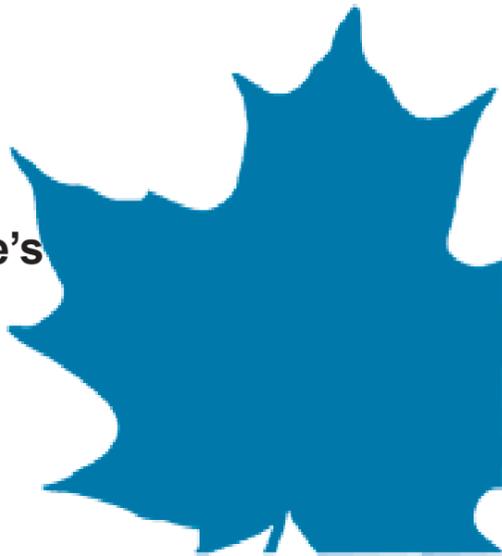


VOTERS' GUIDE

an insider's
guide to the
environmental
record of
New York State's
Legislature
& Governor



EPL • ENVIRONMENTAL ADVOCATES

Legislative Letdown

Mercury labeling and wind net metering top lawmakers' list of accomplishments

Headlined in at least one paper as New York's longest and least productive legislative session, Albany's 2004 exercise in political frustration finally ended on August 19 with the announcement that Gov. George Pataki had used his line item veto pen to knock about \$233 million worth of direct spending out of the state's more than \$100 billion budget. His list of vetoed items included some bad news for the environment: he axed a \$1.6 million appropriation that would have helped develop a park on the Jamaica Bay waterfront for minority communities in Southern Queens. But he did not veto the Legislature's fix of the Environmental Protection Fund (EPF), so when it was all over, there was a bit more money to spend on key programs like land acquisition, parks and farmland preservation.

This was a disappointing legislative year for New York's environment. Several strong initiatives that have united the state's environmentalists came up short, notably bottle bill expansion, which failed to pass in either the Senate or the Assembly, and increased wetlands protections, which failed in the Senate. A ban on backyard burning and power plant siting reform also failed in the Senate.

Last year, the legislative session ended strong, with Assembly and Senate enactment of historic brownfields legislation. This year, the environment took a back seat to education reform, although in the end, no reform was achieved. Ordered by the courts to increase spending for New York City schoolchildren, Pataki, Senate Majority Leader Joe Bruno and Assembly Speaker Shelly Silver failed to agree on a plan, tossing the issue back to the courts for further action. The leaders also failed to agree on a budget. Although the Senate and Assembly voted in their spending plan to restore more than \$25 million that Pataki had proposed off-loading from the EPF,



Environmental Advocates of New York Project Director David Higby helped release the results of a poll showing New Yorkers' overwhelming support for the bottle bill at a State Capitol press conference in February. Joining Higby at the event were Laura Haight of the New York Public Interest Research Group, and Mark Izeman of the Natural Resources Defense Council.

Albany's environmental watchdogs are growing frustrated at the decreasing percentage of state funding that goes for the environment. When Pataki released his first spending plan in 1996, he justifiably boasted of a "fully funded EPF" of \$125 million. But that was out of an annual budget of less than \$70 billion. Today he routinely presents a scaled back EPF, while state spending will top \$100 billion for the first time in history. Friends of the EPF, a statewide environmental coalition led by Environmental Advocates of New York and The Nature Conservancy, is making the case for increased environmental spending next year. The coalition is calling for a doubling of the EPF to \$250 million, and is considering an agenda of other revenue raising options, including passage of the Community Preservation Act, which would allow towns to vote to increase revenue for local projects by expanding the real estate transfer tax; local open space bond act initiatives; and capturing unclaimed nickels under an expanded bottle bill. ■

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The 2004 Advocate Awards

Environmental Advocates of New York will pay tribute to four individuals who epitomize the leadership that has made our state's environmental community a strong and effective force. Join us at the annual Advocate Awards Gala on November 8th at the Yale Club in New York City.

Marjorie Hart ~ New York's environmental community has a great friend and eloquent advocate in Marjorie Hart. With her distinguished leadership as Chair of the board of the highly regarded Scenic Hudson and her multifaceted support for other organizations working for open space and parks, public access to our waterfronts, historic preservation, sustainable development and education, Marjorie continues to inspire us all to work harder and do more to protect our state's fragile environment.

Marianna Koval ~ As Executive Director of the Brooklyn Bridge Park Conservancy, Marianna Koval leads a dynamic coalition of civic, community and environmental groups that, against all odds, has worked to create a world-class 70-acre urban park along the Brooklyn waterfront. Marianna's tremendous skills in community organizing, planning and advocacy, along with her boundless energy and optimism, have helped to win the commitments of the city and state to create a new jewel of open space for the people of Brooklyn and beyond.

Mathy Stanislaus & Jody Kass ~ As Co-directors of the non-profit New Partners for Community Revitalization, Inc., Mathy and Jody continue their ground-breaking work in the area of brownfields cleanup and community-driven redevelopment of properties with a focus on low and moderate income communities. The fact that New York State adopted a brownfields law last year with the most innovative community consultation provisions in the nation is due, in large part, to their leadership and tenacity and the high regard for them among the diverse group of stakeholders involved in the issue.

For ticket information, contact Patti Kelly at 518-462-5526, ext. 224 or pkelly@eany.org. ■



OIL SLICK

Urban Wasteland

Onondaga County Executive Nicholas Pirro insists on storing overflowing sewage in a Syracuse minority neighborhood

Leaders of the Onondaga Tribe in Central New York have a vision: Onondaga Creek flowing free and clear. In this dream, salmon again migrate to ancient spawning grounds in the rolling hills south of Syracuse.

Realizing that dream will take decades, probably generations. But decisions are being made now in Syracuse that will affect the future of the creek, as well as Onondaga Lake, notorious as the nation's most contaminated waterbody. Unfortunately, as part of a plan to control sewer overflows into the creek and lake, Onondaga County Executive Nicholas Pirro insists on placing an above-ground sewage storage facility in the city's mostly African-American Midland Avenue neighborhood. For that environmental injustice, Pirro receives an Oil Slick Award in this year's Voters' Guide.



Onondaga County Executive Nicholas Pirro

European settlers found the 4.5 by 1-mile Onondaga Lake a lovely destination but it eventually became a dumping ground for some of Central New York's most polluting industries. Allied Chemical, for example, dumped a reported 85 tons of mercury into the lake over the years. General Motors contributed polychlorinated biphenyls (PCBs) and the growing lakeside communities added additional contaminants. In 1988, the Atlantic States Legal Foundation sued Onondaga County for persistent violations of the federal Clean Water Act. A consent order between the polluters and county and state officials was subsequently negotiated, and the cleanup slowly began. Honeywell, which now owns Allied Chemical, and the state Department of Environmental Conservation are negotiating a plan that will eventually result in the dredging of large portions of the lake. Meanwhile, raw sewage from Syracuse and surrounding towns still flows into the creek and lake during heavy rains.

With the New York State Fairgrounds on one side, Carousel Mall on another, and Syracuse and suburbs like Liverpool, Geddes and Camillus around the lake, a thorough cleanup will directly benefit millions of people. So much is at stake, yet Pirro and Onondaga County won't build their new facility underground, insisting instead on planting it right in the middle of a struggling inner-city neighborhood.

Leading the fight against Pirro's plan is the Partnership for Onondaga Creek (www.peacecouncil.net/creek). This courageous, multi-racial group formed six years ago to represent citi-

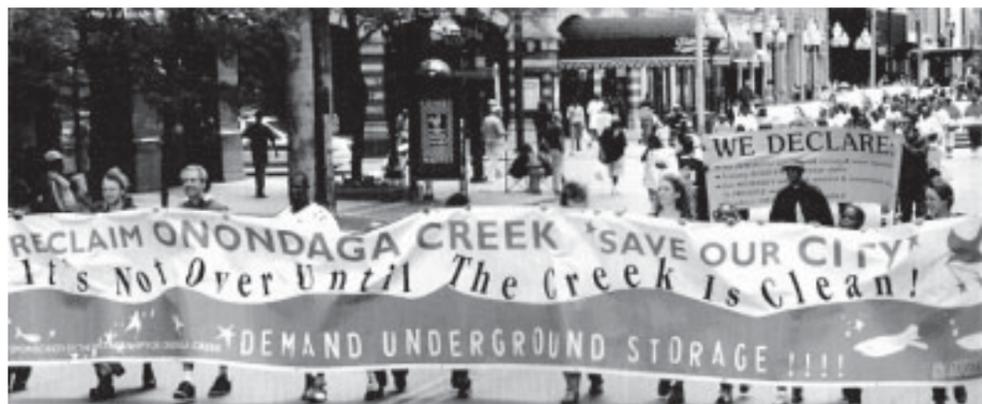
zens fighting to save their neighborhood. This April, represented by the Syracuse University Public Interest Law Firm, they filed a Title VI claim to the Environmental Protection Agency's (EPA) Office of Civil Rights charging that Onondaga County and the state Department of Environmental Conservation are violating the historic 1964 Civil Rights Act by building the above

ground sewage storage facility. In July, members of the group were arrested in two separate protests. Five anti-plant activists staged a day-long sit-in in the Syracuse offices of state Sen. Nancy Lorraine Hoffmann. They were irate that the senator had not met with them to discuss their request that she send a letter to the EPA in support of a speedy investigation of their civil rights claim; both of New York's U.S. senators, Hillary Clinton and Charles Schumer, have sent letters to EPA Administrator Michael Leavitt. Several more members of the group were subsequently arrested for protesting when the county began to demolish a Midland neighborhood residence at the site of the proposed plant. In late September, the EPA announced that it has agreed to conduct the investigation.

At issue is what to do about the raw sewage that flows into Onondaga Creek and Onondaga Lake during and immediately after heavy rains. Like most older northeastern cities, the Syracuse sewage system, despite improvements in recent years, still cannot process everything when it floods. Roughly a billion gallons of tainted water annually bypasses the existing sewage treatment plant and flows directly into the creek during storms.

The debate is over what to do with the overflow. Pirro wants to build several above-ground systems that would treat the overflow with chlorine, then dechlorinate it and discharge it into the creek, bypassing the existing treatment plant. And he has selected the Midland neighborhood as the site of the largest of these facilities. Underground storage would allow the system to hold the excess water until it can be properly treated and returned to the environment. Even under Pirro's completed plan, 77 million gallons of untreated sewage would still go into the creek annually.

According to Partnership leader Aggie Lane, there is still time to get it right, despite the county's demolition of local homes. Plans can still be developed for an underground facility, she says. The partnership is calling on Gov. George Pataki to get involved and help re-start negotiations between the Partnership and County Executive Pirro. ■



Citizens of Syracuse take to the streets to defend their community from an above-ground sewage plant.

Janet Allen, a faithful voice for energy stewardship

Bringing the power and enlightenment of interfaith efforts to energy issues

For Janet Allen, energy stewardship is about justice, sustainability, and faith. As she puts it, “responsible energy use promotes justice and sustainability.” Concerned about these issues and about air pollution and global warming, Janet Allen decided to create an interfaith project to promote energy stewardship. Engaging congregations in conserving energy and buying clean, renewable electricity are two of her top goals. The result of this effort is New York Interfaith Power and Light (NYIP&L), a new non-profit organization (www.nyipl.org).

NYIP&L’s mission is to promote faithful and just stewardship of God’s creation through conservation, efficiency and the use of renewable energy. The effort began early in 2003. According to Janet, she was inspired to take action by participating in Cool New York, a November 2002 conference and activists’ summit in Albany organized by Environmental Advocates of New York (EANY). Janet participated in the conference as Environmental Justice Coordinator for the North Central New York Conference of the United Methodist Church. She decided to start by organizing a meeting of people of various faiths and denominations from around the state to talk about how they could address global warming and energy stewardship.

Interfaith is an important part of the group’s mission, Janet explains. “We seek as much diversity in our group as possible,” she says. “All religions and faiths we’ve encountered so far have made statements at the most senior levels about the importance of good stewardship of God’s creation, and many have made statements specifically about the use of energy and global warming.” NYIP&L provides a way of putting principles into action. The board includes directors from the United Methodist, Roman Catholic, United Church of Christ, Unitarian and other churches.

The project is part of a growing national movement that started in California. Other statewide Interfaith Power and Light organizations are working in Connecticut, Georgia, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, Tennessee, Oregon, Pennsylvania and Wisconsin, and more IP&Ls are in the works. The national movement started with the Reverend Sally Bingham’s Episcopal Power and Light project in San Francisco, which then became California Interfaith Power and Light. Janet has teamed up with the Regeneration Project, the national umbrella organization for IP&Ls, to secure seed money for NYIP&L to become a registered not-for-profit corporation.

To become part of NYIP&L a congregation signs a covenant pledging to do at least one of a number of activities. The congregation may educate its members on how energy production affects the environment and global climate, conduct an energy audit and improve energy efficiency at its buildings, start a program to encourage members to conserve energy at home, buy green power, and/or support public policies that contribute to their goals.

“The more energy we use, the more electricity power plants produce. The more electricity power plants produce, the more air pollution they create. Conserving energy and using it more efficiently is an important way we can protect the sacred gift of air.”

~Janet Allen

Janet notes that the requirements for participation are modest, and that’s by design because just taking the first step is often the toughest. NYIP&L plans to work closely with its members as they start their journey, providing information on energy saving actions and the issues of global warming and power plant pollution.

According to Janet, the Jonesboro United Methodist Church in the Troy Conference shows energy stewardship in action. The church’s building had about 20 exit signs using incandescent bulbs. The church replaced them with super-efficient LED bulbs, saving about 250 kilowatt hours annually for each exit sign. The change also saves the church almost \$500 a year, making back its investment in the project’s first year. The church also improves its stewardship of the planet by preventing excess emissions of air pollutants and the gases that cause global warming.



Janet Allen

Janet relies on an active board of directors to work with congregations in various regions of the state. The board includes Ed Bennet, Environmental Justice Coordinator for the Troy Conference of the United Methodist Church, John Allen, Janet’s husband and Chair of the Education Committee at University United Methodist Church in Syracuse, Susan Bues, Sisters of the Holy Names of Jesus and Mary, Rhea Jezer, InterReligious Council, Steve MacAusland, Massachusetts IP&L, Frank Morris, with the Sierra Club and founder of EcologicInvestor.com, Christian Nielsen-Palacios, of the Tompkins County Environmental Management Council, and Micheal Russo, of the United Church of Christ.

“Besides taking action at the congregation level, we’re also hoping that congregations will take action in the lives of their members,” Janet says. One tool she is using for this is the 1-2-3 Response to Global Warming, a program developed in the Northwest. Another is EANY’s New York 10% Challenge (www.10percentchallenge.org). ■

EPL/Environmental Advocates thanks Mohawk Paper for its generous gift of paper for the *2004 Voters’ Guide*. This year, the *Guide* is printed on Mohawk Options 100% PC White, which contains 100 percent post-consumer fiber and is manufactured with windpower. In February, Environmental Advocates of New York joined wind-power generator Community Energy and NYSERDA in recognizing Mohawk Paper for its investment in renewable energy (www.eany.org/pressreleases/2004/020404.html).

MOHAWK wind power 

How it works

In 2004, EPL/Environmental Advocates evaluated hundreds of bills for their environmental impact, issuing more than a hundred memos, mostly in support. State lawmakers are scored in the *Voters' Guide* for their votes on bills that reach the Senate and Assembly floors. Eight of those bills passed the Senate, while 57 passed the Assembly. Five passed both houses and went to the Governor for his signature. These were a phase-out of brominated flame retardants, a suspected carcinogen used in computers and children's sleepwear, a ban on creosote-treated lumber, which the Governor vetoed, financial aid for first-time farmers, a farm wind net metering bill and mercury labeling (see *Spider Man to the Rescue*, pg. 6).

Perfect Scores

EPL/Environmental Advocates commends the following members of the New York State Senate and Assembly for achieving a grade of 100 percent in this year's *Voters' Guide*.

Senators

Carl Andrews, D
 Neil Breslin, D
 Byron Brown, D
 Martin Connor, D
 Thomas Duane, D
 Ruth Hassell-Thompson, D
 Liz Krueger, D
 Seymour Lachman, D
 Kenneth LaValle, R
 Vincent Liebell, R
 Carl Marcellino, R
 George Onorato, D
 Suzi Oppenheimer, D
 Frank Padavan, R
 Kevin Parker, D
 David Paterson, D
 Eric Schneiderman, D
 Nicholas Spano, R
 Toby Stavisky, D

Assemblymembers

Thomas Alfano, R
 Jeffrey Dinowitz, D
 Donna Ferrara, R
 Deborah Glick, D
 Helene Weinstein, D

What About the Leaders?

Sen. Majority Leader Joseph Bruno: 83
 Assembly Speaker Shelly Silver: 98

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Assembly	92
Assembly Democrats	97
Assembly Republicans	91

Spitzer's Big Year

New York State's Attorney General takes the fight against global warming to federal court

State Attorney General Eliot Spitzer's name is often mentioned in discussions about the next gubernatorial election. Will Spitzer, who once made the cover of the Paris daily *Le Monde* for his pursuit of Wall Street malefactors, be able to ride his popularity into the statehouse? Will Gov. George Pataki seek a fourth term? What about Senator Charles Schumer's interest in running New York State? Is Rudolph Giuliani tired of making his millions and itching to get back into politics? Among the competition, only Pataki has an environmental reputation, while Spitzer has been working overtime to defend New York's environment. Particularly impressive about the Attorney General's role – especially in this era of go-it-alone politics – is his commitment and ability to bring other states, and even New York City, on board with some innovative legal tactics that have put polluters on notice and won significant environmental benefits.

Here are six accomplishments that stand out this year:

1. Filed suit in federal court with seven other states and New York City against five of the nation's biggest carbon dioxide (CO₂) emitting power companies (owners of 174 coal-fired power plants that release 650 million tons of CO₂ annually) under federal public nuisance law.

Courtesy: Office of the Attorney General



Attorney General Eliot Spitzer

New York State has joined with New York City and seven other states to take legal action against the electricity generators that produce the largest amounts of global warming pollution in the nation. The action seeks direct cuts in the emissions responsible for global warming. The lawsuit, the result of legal work initiated by Spitzer and his Environmental Protection Bureau, attempts to overcome the federal government's unwillingness to address the threat of catastrophic climate change. The suit asks a federal court in New York City to declare global warming a public nuisance and to order the five companies to cut their emissions of CO₂, the main greenhouse gas.

Targeted in the lawsuit are five leading power generators: American Electric Power, Cinergy Corp., First Energy, Southern Co., Xcel Energy and the Tennessee Valley Authority. Together, the five companies are responsible for 10 percent of all the industrial CO₂ emissions in the country. The Natural Resources Defense Council (NRDC) has filed a companion lawsuit representing itself, the Audubon Society of New Hampshire and the New York-based Open Space Institute. The environmental groups say that failure to address the consequences of climate change will harm their assets. Frustrated by the Bush Administration's failure to take decisive action on CO₂ emissions, the cases introduce a new legal argument to the debate. Based on the federal common law of public nuisance, the parties argue that they have the right to act against sources responsible for air or water pollution that crosses state lines.

Adding to the sense of urgency is mounting scientific evidence that the earth is rapidly warming. Recent data show that 2003 tied 2002 as the second hottest years on record behind 1998. All five of the hottest years recorded have occurred since 1997. Carbon dioxide emissions from U.S. power plants increased 24 percent from 1990 to 2001, in part because high natural gas prices have made coal more competitive.

2. Settled an investigation into illegal idling by school buses in New York City with agreements involving four major bus companies to install diesel exhaust filters. When combined with the use of ultra-low sulfur diesel fuel, emissions from the school buses will be reduced by up to 90 percent. Also reached an agreement with the Hunts Point Meat Market regarding idling diesel trucks.

Emissions from diesel engines in trucks and buses contain pollutants such as nitrogen oxides and microscopic particles of soot that can lodge in the lungs. These pollutants have been linked to cancer and respiratory diseases such as asthma. The Attorney General's office estimates that idling by the four major school bus companies results in annual emissions of approximately 1.3 tons of particulate matter, 60 tons of nitrogen oxides, and 20 tons of carbon monoxide in the metropolitan region.

State and city idling laws limit the amount of time vehicles may idle when not in traffic – five minutes in the state, three minutes in the city – but they are often ignored. A recent study by NRDC and the University of California at Berkeley, *No Breathing in the Aisles*, reports that levels of diesel pollution can be up to eight times greater inside schools buses than average diesel exhaust levels in outside air. Asthma, which affects New York City schoolchildren at rates that exceed the national average, is the largest cause of school absenteeism due to ill health.

The investigation focused on four companies that transport some 60 percent of New York City's public school children. In the settlement, the companies agreed to idling limits including not more than one minute within one block of a school. They also agreed to eliminate excessive idling at bus depots, to monitor the program for three years and issue a report, and to contribute \$47,000 for tree planting near city schools.

PROFILE

Photo by Jeff Jones



This year, the National Wildlife Federation (NWF), the nation's leading conservation education and advocacy group, honored New York State Attorney General Eliot Spitzer with its National Conservation Achievement Award for exemplary leadership in protecting the environment and natural resources. Presenting the award to the Attorney General in his New York City office were: (l to r) NWF Regional Representative Richard Spencer, NWF and EANY Board Member Steve Allinger and EANY Executive Director Robert Moore. (EANY is NWF's New York State affiliate.)

In another investigation, Spitzer's office found excessive idling by diesel trucks at the Hunts Point Market in the South Bronx. An average of 3,000 to 4,000 tractor-trailer trucks, and 5,000 small straight trucks, enter the market monthly, with estimated annual emissions totaling 200 pounds of particulate matter, 5.6 tons of nitrogen oxides and 5.3 tons of carbon monoxide. Under an agreement, the market will limit idling to three minutes, develop and implement an anti-idling education campaign, implement a monitoring program and increase access to free IdleAire truck electrification bays.

3. Filed joint comments with attorneys general from 10 other states in opposition to an Environmental Protection Agency (EPA) proposal that would allow coal-fired power plants to escape Clean Air Act mandates that require them to reduce mercury emissions that threaten public health.

Coal-fired power plants are the nation's largest source of uncontrolled mercury emissions, generating 48 tons of mercury emissions per year. In their comments, the attorneys general formally opposed a Bush Administration plan that would allow coal-fired power plants to escape Clean Air Act mandates that require them to reduce mercury emissions that threaten public health. The joint comments were filed in response to an EPA proposal that mercury emissions from coal-fired power plants be controlled under a trading scheme that would allow many plants to avoid installing pollution controls. The states say the proposal is illegal under the Clean Air Act and unsupported by scientific evidence. In particular, the states assert that the proposal would fail to address hot spots of local and regional mercury deposition around power plants that would not be required to install pollution controls. Instead, the states argue that EPA has a clear statutory obligation to set a plant-specific maximum achievable control technology (MACT) standard for mercury.

4. Joined with three other states to sue the owner of five coal-fired power plants in West Virginia for violating the Clean Air Act after the federal government dropped its investigation of the power plants last year.

Attorneys general from New York, Connecticut and New Jersey have jointly sent a Notice of Intent to Sue letter to Allegheny Energy, Inc., charging Clean Air Act violations at five coal-fired power plants in West Virginia. The EPA had earlier revealed that Allegheny Energy had expanded generating capacity at the plants without installing the legally required air pollution controls. As a result, Spitzer says, Allegheny energy has continued to emit hundreds of thousands of tons more pollution each year.

Last year, when the Bush Administration announced it was dropping some 50 air pollution enforcement investigations, Spitzer's office obtained the comprehensive files on these power plants. The identified air pollution violations have taken place over the past decade and more. The letter serves as notice of the violations upon which a lawsuit under the Clean Air Act might be based if a resolution is not reached.

5. Worked with the New York State Energy Research and Development Authority (NYSERDA) to make \$1.8 million available for the installation of solar energy systems on government buildings throughout New York State. The funds resulted from a court-approved settlement of a Clean Air Act lawsuit against coal-fired power plants owned by the Virginia Electric Power Company.

In July 2000, New York, along with Connecticut, New Jersey and the EPA, sued the Virginia Electric Power Company (VEPCO) for modifying its Mt. Storm, West Virginia coal-fired power plant in violation of the Clean Air Act. The changes resulted in increased emissions of nitrogen oxides and sulfur dioxide that contribute to acid rain in New York. The settlement of the lawsuit, approved by a federal judge in Virginia in October 2003, requires VEPCO to invest approximately \$1.2 billion over 12 years to reduce nitrogen oxide and sulfur dioxide emissions at eight coal-fired power plants by about 70 percent from 2000 levels, to pay \$5.3 million in penalties to the federal government and provide \$13.9 million to fund environmental projects, including \$2.1 million in New York to install solar energy equipment on municipal buildings. NYSERDA will also be paid nearly \$300,000 to administer and review the projects.

6. Joined with six other states to combat the problem of harmful invasive species in U.S. waterways, including the Great Lakes.

New York has taken the lead in calling for stronger action to control discharges of ballast water from ocean-going vessels, the chief entry point of invasive species into New York waterways. Although Congress has mandated that the U.S. Coast Guard ensure that all ships with ballast tanks manage their ballast water so that viable invasive species are not discharged, current Coast Guard rules exempt most vessels. The states have petitioned the Coast Guard to close this loophole. The environmental group Great Lakes United (GLU) has also joined the petition. According to Jennifer Nalbone, GLU's Habitat and Biodiversity Coordinator, 36 of 50 new aquatic invasions to the Great Lakes originated from ocean-going vessels since they started using the Great Lakes Seaway in 1959. In addition, the states have filed a friend of the court brief in a case challenging the EPA's decision to exempt ballast water discharges from federal water pollution rules. ■

Nothing But Net

To stimulate the development of renewable energy, New York already allows net metering for residential solar electric generating systems and for farm bio-gas systems. That program was incrementally expanded this year to include residential and farm wind electric generating systems.

Net metering allows individuals who install solar, and now some wind, electric generating systems to be credited on their utility bills for excess electricity they contribute to the grid. However, standby fees, demand charges, and other barriers imposed by electric corporations make on-site generation unaffordable. The residential/farm wind net metering bill protects customers who install small wind turbines from such fees. ■

Exotic Behavior

Toward the end of summer, Louisiana officials called off the hunt for a tiger rumored to be roaming through the swamps. No one suggested the big cat was born on the bayou, rather it was assumed that if the animal existed, it had been someone's pet. Like so many exotic creatures, they start out cute, but get big and hard to handle in a hurry.

New York had its own infamous pet story last fall when police coming to a Harlem apartment were confronted by both a 425-pound mixed Bengal-Siberian tiger and a 3-foot alligator. Their owner, who had been badly bitten by the tiger, fled the city. The animals were subsequently moved to the care of game farm professionals. And when a ball python escaped from its tank early this summer, it wound up loose in upstate New York. A Potsdam woman found it when she checked under the hood of a used 1999 Honda she wanted to buy and saw it coiled in the engine.

Certainly some people love their exotic pets and are able to care for them. But there is a new law in effect in New York that bans the ownership and breeding of some species in the state and requires permits to keep others. The bill – which was not included in the EPL/Environmental Advocates legislative score card because it does not affect native New York species – was nevertheless of great interest to members of the environmental community.

Sponsored in the Assembly by Paul Tonko and in the Senate by Carl Marcellino, the legislation, which has been around for several years, was amended under intense lobbying pressure from the Pet Industry Joint Advisory Council to exclude iguanas and birds. Its supporters acknowledge enforcement will be difficult, given reduced staffing levels at the state Department of Environmental Conservation. For now, the bill will rely on voluntary compliance and citizen complaints to achieve its goals. ■

Spider-Man to the Rescue

In the bleak 2004 legislative session, even those few environmental measures that managed to pass both legislative houses often seemed in jeopardy until the very end. One such bill, the Mercury Labeling Act, would require manufacturers to conspicuously label products that contain mercury, and require separation and responsible handling of mercury by parties collecting, storing or disposing of it in New York. It phases out the use of mercury fever thermometers and bans the use of mercury products in schools. The law seemed in danger of a gubernatorial veto until a coincidental marketing misstep by the Kellogg Company helped nudge it into law. Just as the bill went to Gov. George Pataki for his signature, a national news story revealed that the breakfast giant was including small spidey-toy flashlights in some breakfast cereal boxes. The toys, promotional items tied to the popular Spider-Man movie, contained mercury batteries.

While the company said the toys were safe — the batteries, Kellogg's claimed, could be removed and recycled — they agreed to pull the promotional boxes from shelves in New Hampshire and Connecticut, where mercury-laden specialty toys are illegal. The bill on Gov. Pataki's desk also contained a specialty toy provision modeled on the Connecticut law. He signed the measure and held a press conference where he brandished a box of Kellogg's cereal and proclaimed that New York's children were just as worthy of protection from mercury as those in neighboring states.



Mercury is a potent toxic pollutant. Even in minute quantities, mercury contamination results in serious health problems, including lower fertility rates, compromised blood pressure regulation, memory loss, tremors, impaired vision, and numbness of the fingers and toes. Children and pregnant women are most at risk — prenatal and infant mercury exposure can cause mental retardation, cerebral palsy, deafness and blindness. Mercury can affect a child's development, delaying walking and talking, shortening attention spans and causing learning disabilities.

Mercury contamination of water bodies is the most obvious exposure pathway, since fish ingest methylmercury — created from elemental mercury by bacteria — and pass it up the food chain to larger fish and to humans. While point source discharges, primarily from sewage treatment plants, account for some mercury water pollution, most comes from the air. The federal Clean Air Act recognized mercury as a serious air pollutant when it was passed in 1970, and the federal and state governments have been struggling ever since to achieve meaningful protection levels. A major source of airborne mercury pollution was addressed when a strict mercury standard called maximum achievable control technology (MACT) was required for medical and solid waste incinerators. The mercury MACT standard being applied to incinerators has been effective in New York, which still has ten municipal solid waste burning facilities, although even the newest of these facilities, in Washington County, was caught out of compliance for mercury emissions within the past 5 years by the Department of Environmental Conservation. For some time, the environmental community has urged application of MACT standards to other industrial mercury air polluters — especially coal-burning power plants. The Bush Administration, however, has devised an alternative to MACT — a pollution credit scheme that would allow the largest mercury polluters to continue emitting the poison by purchasing credits from other industrial sources. That would result in a smaller reduction over a longer period of time: 30 percent by 2010 and 70 percent by 2018, as opposed to the 90 percent reduction in three years that would be achieved by application of the MACT. Trading schemes, moreover, are not appropriate for heavy metals like mercury, since deposition tends to accumulate in hot spots near the source.

Since the federal government is obviously failing to protect the public from the hazards of airborne mercury, it's up to the states to get the job done. New York is not yet meeting this challenge. Gov. Pataki needs to follow the lead of neighboring states which have set aggressive mercury limits on coal-fired power plants. Massachusetts, for instance, adopted mercury rules requiring an 85 percent reduction by 2008 and 95 percent by 2012. Perhaps the simplest method of protecting the public is through fish consumption advisories. All the New England states have issued a blanket mercury warning. New York's fish advisories are based on an action level much less protective than even the EPA's. And the state only issues advisories for lakes that have been tested — a very small percentage of the state's 3,000 water bodies. This leaves the public with the serious misconception that it's safe to eat fish from lakes with no advisories.

Eliminating the threat of mercury involves more than just new standards for large air polluters. Strategies for removing mercury from the waste stream via responsible recycling, and eliminating it from unnecessary products, could easily be put in place. As much as eight tons of mercury from automotive switches, for instance, is sitting in junkyards around the state. To make sure that mercury does not find its way into landfills, incinerators or groundwater, a system for receiving waste switches from vehicle recyclers, like one just adopted in Maine, is needed.

New York is slowly moving toward a responsible mercury policy. Two sessions ago, the Legislature passed a dental amalgam bill that directed the DEC to establish mercury handling and recycling regulations for dentists' offices. This year those regulations were issued, and they contain a requirement for amalgam separators — small devices that remove nearly all the mercury from scrap amalgam — a simple measure, but one that makes New York a national leader in this mercury management area.

These little steps are significant. But there is still no comprehensive strategy for eliminating mercury pollution. The logical entity for protecting the public — the federal government — cannot be counted on; and the state decision-makers that are left to deal with the threat, can and should work regionally to be most effective. ■

Another Angle

America's sportsmen, who helped elect President Bush, "are sounding a clarion call that his administration is on the wrong track with several of its major wildlife and conservation policies," National Wildlife President (NWF) Larry Schweiger said in July. His statement accompanied the release of an NWF survey that polled the nation's hunters and anglers about some of Bush's controversial environmental and conservation policies.

Of the 752 hunters and anglers surveyed, 68 percent said they had voted for Bush in 2000. Sixty-six percent identified themselves as conservatives, 42 percent as Republicans and 91 percent as male.

According to Schweiger, who took over as NWF President earlier this year, anecdotal evidence has been accumulating that sportsmen are dissatisfied with some of the administration's conservation and wildlife policies. Late last year, Bush backed off plans to rewrite Clean Water Act rules following an outcry from sportsmen and conservationists. Administration plans to end federal protections for millions of acres of wetlands remain in place, however. The poll also found hunters and anglers deeply concerned about energy development on public lands, global warming and mercury pollution.

"It's a matter of values," Schweiger says. "When the administration says yes to rolling back wetlands protections — as developers want — hunters and anglers say no. When the administration says yes to adopting a weak mercury rule — as industry wants — hunters and anglers say no. When the administration says yes to putting a priority on oil and gas drilling on public lands, including prime wildlife habitat — as industry wants — hunters and anglers say no." Areas of the country targeted by the administration for resource extraction that drew particular concern included the Arctic National Wildlife Refuge, Montana's Rocky Mountain Front, New Mexico's Otero Mesa and Wyoming's Red Desert.

The poll also found that the sporting community is concerned about global warming. Nearly two-thirds of those questioned said that global warming is already, or will in the future, impact hunting and fishing conditions. Seventy-one percent, including 66 percent of those who voted for the President in 2000, said coal-fired power plants should clean up mercury emissions. And 73 percent said they prefer alternatives to oil and gas drilling as solutions to the country's energy needs. ■



In the race to stop global warming, where will Governor Pataki finish?

Last year, carbon dioxide levels in the earth's atmosphere reached an all-time high of 376 parts per million (ppm). That's a 20 percent increase over levels recorded in the 1950's. Without new policies to control emissions, there is no sign of it stopping. New York, with the world's ninth largest economy, emits a significant amount of carbon dioxide (CO₂) the main global warming pollutant. From the hazards of devastating storms and rising seas in the New York City metropolitan area and Long Island, to water-level loss in the Great Lakes and impacts on wildlife and plants in the Adirondacks, the state has many reasons to take action to curb greenhouse gases. The best option, in terms of cost efficiency and maximum near-term reductions, is to cap CO₂ emissions from in-state power plants (see: www.capcarbonnow.com).

Gov. George Pataki is working with other northeast states on a plan to control power plant carbon pollution as part of a regional cap-and-trade program. The Regional Greenhouse Gas Initiative (RGGI) is developing a model rule for states, which is scheduled for release in April 2005. Environmental Advocates of New York (EANY), a member of the Governor's Greenhouse Gas Task Force, believes that a 30 percent cut in power plant CO₂ emissions is achievable and cost effective. Along with the 60 members of the Cap Carbon in New York Campaign, EANY is working to shape the model rule. The organization is urging the state to cut power sector CO₂ emissions to at least 30 percent below 1990



levels. This will not only lead to measurable reductions in the state, but will get New York on track to achieve another goal stated in the 2002 state energy plan – economy-wide greenhouse gas reductions targeted at 5 percent below 1990 levels by 2010.

In April, the Assembly took action that demonstrated its support for the work of the Regional Greenhouse Gas Initiative when it passed new legislation that would create a carbon cap in New York. Sponsored by Assemblyman Thomas DiNapoli, Chair of the Assembly Environmental Conservation Committee, the bill (A.10049) directs DEC to cut power plant pollution to 25 percent below 1990 levels by 2008. The bill was a part of the Earth Day Lobby Day agenda. It has not yet been introduced in the Senate.

The northeast regional talks now underway are the brightest opportunity for responsible action in the United States today. The Bush Administration's latest report on its climate science research program admits that human activities are contributing to global warming. But President George Bush denies that this signals a shift in policy, and remains opposed to mandating cuts in carbon pollution from industry. The failure of leadership in Washington makes action in New York even more critical. ■

Time Warp on Acid Rain

In May, a state court struck down on a technicality – a missed deadline – the state acid deposition reduction regulations finalized last year. The acid rain rules were first proposed by Governor Pataki in 1999. The Governor often mentions them to exemplify New York's leading role in addressing the acid rain problem. But they are only now starting to take effect. The new rules require electricity generators to reduce emissions of sulfur dioxide and oxides of nitrogen below levels required by federal law. DEC is appealing the court case, and, in the meantime, is implementing the regulations through an emergency rulemaking process. DEC has also begun to re-promulgate the rules.

In the five years since the rule was first proposed, however, a lot has changed. Independent scientific information shows that to allow acidified forests and lakes to fully recover, an even deeper reduction of 80 percent is needed. Understanding of the urgency to deal with two other pollutants, mercury and carbon dioxide, has also grown. During the last round of hearings on

the Governor's acid rain rule, EANY, the New York Public Interest Research Group and the American Lung Association urged the Governor to expand his initiative from a two pollutant to a four pollutant approach. The importance of including CO₂ and mercury reductions as part of this once-in-a-generation initiative is more obvious now, especially given the lack of federal action by the White House. Perhaps the court case will have a silver lining by providing Governor Pataki this new opportunity to enact a comprehensive four pollutant power plant cleanup program soon. ■

New York State, New York City and Environmental Advocates sue EPA

On October 23, 2003, EANY, represented by the Washington, D.C.-based International Center for Technology Assessment (ICTA), sued the federal Environmental Protection Agency (EPA) for its failure to control emissions of carbon dioxide from cars and trucks. ICTA is also lead plaintiff in the case. New York State, California, New York City and Baltimore are among a group of parties who have brought similar suits – four separate legal actions in all – on the same issue. The cases have been consolidated and are before the same federal court.

The Clean Air Act provides EPA the authority to control global warming pollution produced by cars and trucks, but the agency has not acted. In 1999, Environmental Advocates joined 18 other organizations in petitioning the EPA to regulate emissions of global warming gases. The agency rejected the petition last year, claiming that Congress has not specifically directed them to address greenhouse gas emissions. Plaintiffs argue that EPA does not need any additional directive and is already mandated to control pollution from autos, including CO₂. If the case succeeds, EPA will be required to develop regulations to cut these emissions. Oral arguments are scheduled for next year. ■

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THREE TREES

Sulfur in Fuels

1 Reduces the sulfur content of diesel vehicle fuel in advance of federal requirements and reduces the sulfur content of home heating fuel, which would improve air quality. A.3923-a (DiNapoli) passed the Assembly; not introduced in the Senate.

Burn Barrel Ban

2 Prohibits the open burning of solid waste, excluding organic material such as yard debris, landscaping waste and some agricultural wastes. A.5884 (Koon)/S.3340 (Maziarz) passed the Assembly; died in the Senate Environmental Conservation Committee.

Power Plant Cleanup

3 Significantly reduces pollution emissions from power plants in New York through new emission standards for SO₂, NO_x, CO₂ and mercury. A.5933-a (Brodsky) passed the Assembly; not introduced in the Senate.

Citizen Suits

4 Provides New Yorkers with the right to bring civil actions against individuals who have violated certain provisions of the Environmental Conservation Law. A.5936 (Brodsky)/S.4315 (Oppenheimer) passed the Assembly; died in the Senate Environmental Conservation Committee.

Pesticide Phase-out

5 Requires the phase-out of pesticide use by state agencies, departments and public benefit corporations, with exceptions for certain specified uses. A.5969-a (Brodsky) passed the Assembly; not introduced in the Senate.

Power Plant Siting Reform

6 Extends and reforms the law governing the siting of power plants and establishes tougher standards for emissions of SO₂, NO_x, CO₂ and mercury from existing power plants. A.6248-b (Tonko) passed the Assembly; not introduced in the Senate.

Dark Skies

7 Develops efficiency standards for new and replacement outdoor lighting used by state agencies and public corporations, and provides guidance to local governments for roadway and other nighttime lighting through model ordinances. A.6950-d (Grannis)/S.3003-d (Marcellino) passed the Assembly; died in the Senate Rules Committee.

How They Stack Up

EPL—Environmental Advocates tabulates legislators' scores based on their votes on important environmental legislation. The rating system weighs bills according to their potential impact, either beneficial or detrimental, on New York's environment. Each bill that Environmental Advocates of New York took a position on in 2004 received one of six ratings: **THREE TREES**—significant assistance and benefit to New York's environment; **TWO TREES**—substantial benefit to New York's environment; **ONE TREE**—beneficial to New York's environment; **ONE STACK**—detrimental to the cause of environmental protection in New York; **TWO STACKS**—substantial harm to New York's environment; and **THREE STACKS**—major or lasting harm to New York's environment.

Wetlands

8 Provides DEC regulatory authority over the state's freshwater wetlands of an acre or more, regardless of whether that wetland had previously been mapped by DEC. A.7905-a (DiNapoli)/S.4480-a (Marcellino) passed the Assembly; died in the Senate Rules Committee.

Recyclables in Landfills

9 Prohibits the disposal of recyclable materials in landfills and incinerators and identifies certain materials—such as newsprint, glass containers, metal containers and certain plastics—for mandatory recycling. A.8462 (Colton) passed the Assembly; not introduced in the Senate.

SEQRA Standing

10 Allows access to courts to challenge a SEQRA decision if demonstrated injury results from the environmental impact of a project. A.8673 (Bradley)/S.6493 (Morahan) passed the Assembly; died in the Senate Environmental Conservation Committee.

Carbon Cap

11 Caps carbon dioxide emissions from major electric generating facilities at 25 percent below 1990 levels, effective by January 1, 2008. A.10049 (DiNapoli) passed the Assembly; not introduced in the Senate.



TWO TREES

Mercury Emissions Reductions

12 Cuts mercury emissions from electric generating plants, solid waste incinerators, and medical waste incinerators 90% by 2010. Requires DEC to inventory mercury emissions, establish emissions standards and release reports on reduction methods as well as the health and environmental effects of mercury. A.479 (Grannis) passed the Assembly; not introduced in the Senate.



Urban Pesticide Board

13 Creates an urban pesticide board to examine and make recommendations regarding pesticide use in urban areas. A.1110-c (Wright)/S.2095-b (Marcellino) passed the Assembly; died in the Senate Environmental Conservation Committee.



Alternative Fuels on the Thruway

14 Provides alternative fuel stations along the New York State Thruway every 120 miles for several types of alternative fuels, which could include ethanol, methanol, natural gas, propane, electricity or hydrogen. A.1538-a (Tonko) passed the Assembly; not introduced in the Senate.

Nuclear Emergency Planning

15 Determines the costs imposed on all state government and public entities for maintaining preparedness for radiological emergencies and establishes a fund to cover these costs with fees paid by the owners of nuclear plants. A.1829 (Brodsky)/S.1363 (Morahan) passed the Assembly; died in the Senate Energy Committee.

School Water Lead Testing

16 Requires school districts to test drinking water for lead. If lead levels are too high, the school district would be required to provide a safe water supply for drinking and to notify parents of the contamination. A.1898 (McEneny) passed the Assembly; not introduced in the Senate.

E-Waste Recycling Act

17 Creates an electronic waste (e-waste) program within DEC, aids local governments in creating e-waste programs, and provides loans and grants for e-waste recycling. A.3633-a (Colton)/S.890-a (Marcellino) passed the Assembly; died in the Senate Environmental Conservation Committee.

Oil Spill Prevention Act

18 Fully implements the Oil Spill Prevention and Contingency Act of 1990, regulates petroleum-bearing vessels in state waterways and liquid petroleum pipeline safety, and requires major facilities involved in petroleum transfer within the state to file habitat protection plans. A.3884 (DiNapoli) passed the Assembly; not introduced in the Senate.

Health Tracking System

19 Provides for the development of an environmental health tracking system within the Department of Health that would gather environmental data to correlate with disease data. A.4295-a (Koon) passed the Assembly; not introduced in the Senate.

Ballast Water

20 Regulates the discharge and management of ballast water from shipping vessels into New York waterways to prevent introduction of non-indigenous species. A.5659-a (Smith)/S.2567-a (Volker) passed the Assembly; died in the Senate Environmental Conservation Committee.

Cancer Mapping

21 Requires that the Departments of Environmental Conservation and Health conduct studies using computer mapping to examine cancer incidence in relation to a variety of environmental risk factors. A.5937 (Brodsky)/S.3652 (Oppenheimer) passed the Assembly; died in the Senate Environmental Conservation Committee.

Environmental Justice Report

22 Requires DEC to issue a bi-annual report that lists areas across the state most adversely affected by existing environmental hazards. A.7862-a (Diaz, R.) passed the Assembly; not introduced in the Senate.

Smart Growth Infrastructure

23 Requires that state agency projects to construct, expand or reconstruct public infrastructure complies with certain criteria for smart growth and maximizes the use of existing infrastructure in communities. A.8651-a (DiNapoli)/S.6255-a (LaValle) passed the Assembly; died in the Senate Finance Committee.



Auto Dismantler Regulations

24 Requires automobile dismantlers and scrap processors to be permitted by DEC and directs the department to set minimum standards for governing these operations. A.8835-b (Eddington)/S.7320 (LaValle) passed the Assembly; died in the Senate Environmental Conservation Committee.

ASSEMBLY VOTING

KEY TO LEGEND

- Correct Environmental Vote
- × Incorrect Environmental Vote
- A Absent ~ counted as incorrect vote
- E Excused ~ not counted in vote
- N Not in Office ~ not counted in vote

	3 TREES	2 TREES	1 TREE	1 STACK	SCORES
NAME	<ul style="list-style-type: none"> Power Plant Siting Reform Pesticide Phase-Out Burn Barrel Ban Sulfur in Fuels Party District 	<ul style="list-style-type: none"> Alternative Fuels on the Thruway Urban Pesticide Board Mercury Emissions Reductions SEQR Standing Wetlands Dark Skies Recyclables in Landfills Carbon Cap 	<ul style="list-style-type: none"> School Water Lead Testing Nuclear Emergency Planning Oil Spill Prevention E-Waste Recycling Health Tracking System Health Prevention Act Environmental Justice Report Smart Growth Infrastructure Auto Dismantler Regulations Mercury Labeling Mining Permits Recycling of Oil Spill Prevention Air Quality of Outdoor Events NYC Urban Forestry Centers NYC Urban Forestry Fund Public Notice for Permits E-Waste Guidelines Secondary Radiactive Materials Safe Ban Pesticide Reporting Amendments Health Research Science Board SRL Funding for Municipal Open Space Residential Wind Net Metering Climate Change Insurance Invasive Species Water Reuse Indoor Air Quality Environmental Justice and Permits Nuclear Plant Emissions Hazardous Waste Disposal First-time Farmers Environmental Justice and Permits Creosote Community Justice Reporting Flame Retardant Phase-out Green Lower Purchasing Tire Fire Cleanup Funding Striped Bass Commercial Fishing Ban SAP2 Cost Analysis 	<ul style="list-style-type: none"> Environmental Justice Reporting Flame Retardant Phase-out Green Lower Purchasing Tire Fire Cleanup Funding Striped Bass Commercial Fishing Ban SAP2 Cost Analysis 	<ul style="list-style-type: none"> 2004 Score Term Score

Water Reuse

40 Establishes rules for the reuse of wastewater, including levels of treatment, permitted uses and monitoring requirements. A.4081 (DiNapoli)/S.893 (Marcellino) passed the Assembly; died in the Senate Environmental Conservation Committee.



SRL Funding for Municipal Open Space

41 Authorizes the Environmental Facilities Corporation to provide zero percent interest loans to municipalities for the purpose of acquiring land for open space and watershed protection in accordance with a management program, plan or project. A.4106-a (DiNapoli)/S.1796-a (LaValle) passed the Assembly; died in the Senate Corporations, Authorities and Commissions Committee.

ASSEMBLY VOTING

KEY TO LEGEND

- Correct Environmental Vote
- × Incorrect Environmental Vote
- A Absent ~ counted as incorrect vote
- E Excused ~ not counted in vote
- N Not in Office ~ not counted in vote

	3 TREES	2 TREES	1 TREE	1 STACK	SCORES	
NAME	Power Plant Siting Reform Pesticide Phase-Out Power Plant Cleanup Citizen Suits Burn Barrel Ban Sulfur in Fuels District Party	School Water Lead Testing Nuclear Emergency Planning Alternative Fuels on the Thruway Urban Pesticide Reductions Mercury Emissions Reductions SEQR Standing Carbon Cap Wetlands Recyclables in Landfills Dark Skies Recyclables in Landfills	Solid Waste Siting Requirements Recycling of Oil Spill Prevention Air Quality at Daycare Centers NYC Urban Forestry Centers Asthma Management Public Notice for Permits E-Waste Guidelines Secondary Radioactive Materials Sale Ban Health Research Materials Sale Ban SRL Funding for Municipal Open Space Residential Wind Net Metering Invasive Species Water Reuse Climate Change Insurance Indoor Air Quality Environmental Justice and Permits Nuclear Plant Emissions Hazardous Waste Disposal First-time Farmers Environmental Justice Advisory Group Civil Penalties Community Right to Know Green Power Purchasing Fire Retardant Phase-out Striped Bass Commercial Fishing Ban	Environmental Justice and Permits Nuclear Plant Emissions Hazardous Waste Disposal First-time Farmers Environmental Justice Advisory Group Civil Penalties Community Right to Know Green Power Purchasing Fire Retardant Phase-out Striped Bass Commercial Fishing Ban	Striped Bass Commercial Fishing Ban SAPA Cost Analysis 2004 Score Term Score	

Residential Wind Net Metering

42 Creates a net metering provision for small residential wind electric generating systems (up to 25 kW) and farm wind electric generating systems (up to 125 kW) located at the primary residence of the owner. A.4245-a (Englebright)/S.4890-e (Wright) passed the Assembly and the Senate. Signed into law by the Governor on September 14, 2004.



Climate Change Insurance

43 Directs the Insurance Superintendent, in consultation with the DEC commissioner, to convene a special working group to consider the potential liability issues presented by the threat of global climate change. A.4725-a (Grannis)/S.6957 (Trunzo) passed the Assembly; died in the Senate Insurance Committee.

Indoor Air Quality

44 Requires owners of large buildings using mechanical ventilation systems to develop and maintain indoor air quality plans, and requires the Department of Health to develop indoor air quality and ventilation standards and establish training courses on air system operation. A.5216-a (Gottfried)/S.4554-a (Oppenheimer) passed the Assembly; died in the Senate Rules Committee.

Creosote

45 Phases out the sale, manufacture and use of creosote in New York, prohibits its incineration and regulates its disposal. The bill allows the two largest consumers of creosote-treated material — railroads and utilities — to continue its use. A.5930-f (Brody)/S.4975-b (Marcellino) passed the Assembly and the Senate. Vetoed by the Governor on August 17, 2004.

Environmental Justice and Permits

46 Requires permit applicants to delineate whether the siting of a new environmental facility in a low-income or minority neighborhood would result in a disproportionate or inequitable burden on the community where the facility is proposed. A.5938-a (Brody) passed the Assembly; not introduced in the Senate.

Nuclear Plant Emissions

47 Requires operators of nuclear power plants to notify the public about scheduled and unscheduled radioactive releases into the environment, including the amount of material released, estimated side effects on individual health, weather conditions when the release occurs and reasons for the release. Establishes a toll-free number for public access to this information. A.6424 (Galef)/S.4058 (Morahan) passed the assembly; died in the Senate Veterans, Homeland Security and Military Affairs Committee.

Hazardous Waste Disposal

48 Pertains to the siting of solid waste management facilities and phases out land disposal of hazardous wastes, except when technology to detoxify or destroy the waste does not exist. A.7234-b (DelMonte) passed the Assembly; not introduced in the Senate.

First-time Farmers

49 Authorizes the Environmental Facilities Corporation to provide financial assistance to first-time farmers for the purchase of land, making improvements, buying equipment and other agriculture-related expenses. A.8360-a (Magee)/S.3734-a (Hoffman) passed the Assembly and the Senate. Awaits the Governor's signature.



Civil Penalties

50 Increases penalties for violations of summary abatement orders and provides for injunctive relief for environmental violations when there is no specific penalty for the violation. A.8457 (Gianaris)/S.4132 (Marcellino) passed the Assembly; died in the Senate Rules Committee.

Hazardous Substance Reporting

51 Makes it a Class A misdemeanor to fail to report the release of a hazardous substance. Subsequent violations would constitute a Class E felony. A.8461 (Grannis) passed the Assembly; not introduced in the Senate.



Environmental Justice Advisory Group

52 Establishes a permanent environmental justice advisory group at DEC and requires state agencies to adopt and abide by effective environmental justice policies. A.8805-a (Diaz, R.) passed the Assembly; not introduced in the Senate.

Community Right to Know

53 Ensures that the state provides free public access, via the Internet, to information concerning the release of hazardous substances into the environment. A.9956-a (Karben)/S.7348-a (Fuschillo) passed the Assembly; died in the Senate Rules Committee.



Flame Retardant Phase-out

54 Greatly restricts the manufacture, processing and sale of certain brominated flame retardant (BFR) chemicals in a range of consumer products in New York. A task force would be created for identifying the health hazards of the most commonly used BFR, which is exempted in this bill. A.10050-a (DiNapoli)/S.7621 (Marcellino) passed the Assembly and the Senate. Signed into law by the Governor on August 17, 2004.

Green Power Purchasing

55 Allows municipalities to spend up to 15% more to purchase electricity produced from wind, solar and selected other clean, renewable sources. A.10421-b (Galef)/S.6939-a (Hoffman) passed the Assembly; died in the Senate Rules Committee.



Tire Fire Cleanup Funding

56 Allows the transfer of money from the state Waste Tire Management and Recycling Fee Fund to the Environmental Protection and Spill Compensation Fund for reimbursement of costs associated with cleaning up after waste tire pile fires. A.11474 (Colton) passed the Assembly; not introduced in the Senate.

Landfill Siting

57 Requires DEC to consider the impact on drinking water sources, local opinion, presence of other such facilities in the area and land use and zoning restrictions when siting solid waste management facilities. A.9458-a (Gunther)/S.1966-a (Larkin) passed the Senate; died in the Assembly Environmental Conservation Committee.

Geologist Licensing

58 Provides for the licensing of geologists in NYS, including the development of educational standards and other prerequisites for licensure, due to the significant role geologists play in environmental projects. A.4886-b (Englebright)/S.2174-b (Marcellino) passed the Senate; died in the Assembly Higher Education Committee.

Landfill Gas Energy – NYPA

59 Authorizes the New York Power Authority to assist owners or operators of landfills with the implementation of projects to recover landfill gas for electric generation through technical assistance and power purchase agreements. S.3800-a (Wright) passed the Senate; not introduced in the Assembly.

Agriculture Energy Cooperatives

60 Allows for the organization of general cooperative corporations for the purpose of capturing methane and other gases from agricultural wastes for the production or sale of electricity. A.7877 (Tonko)/S.4839 (Leibell) passed the Senate; died in the Assembly Energy Committee.



ONE STACK

SAPA Cost Analysis

61 Requires a state agency to undertake a cost/benefit analysis of proposed rules when it receives cost estimates that differ significantly from its own. A.147 (Christensen) passed the Assembly; not introduced in the Senate.

Striped Bass Commercial Fishing Ban

62 Prohibits commercial fishing of striped bass from the Hudson River and sets a repeal date for its provisions of April 1, 2007. A.5934-a (Brody) passed the Assembly; not introduced in the Senate.



TWO STACKS

Ag Exemptions

63 Authorizes the Commissioner of Agriculture to review all existing and proposed regulations for their impact on agriculture and propose modifications to "prohibit any further regulations which may harm agriculture." S.1973-a (Kuhl) passed the Senate; not introduced in the Assembly.

Fighting For You



EPL Environmental Advocates was formed in 1969 as one of the first organizations in the nation to advocate for the future of a state's environment and the health of its citizens. Through lobbying, advocacy, coalition building, citizen education and policy development, EPL Environmental Advocates has been New York's environmental conscience — assuring that environmental laws are being enforced; that tough new measures are enacted when necessary; and that the public is informed of, and participates in, important environmental policy debates.

For 35 years, EPL Environmental Advocates has been the most prominent and effective environmental lobbying organization in New York. With your generous support, we will remain the unfailing voice on environmental issues in the State Capitol.

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