

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

February 15, 2022

Dear Governor Hochul,

As New York takes bold steps toward acting on climate we need better hazardous waste remediation programs to guarantee that our communities aren't left behind. Investments that assure a fair and equitable transition need to be baked into our state budget. If done right, the Brownfields Cleanup Program is an incredible opportunity to do this.

While we support the proposed budget to add environmental justice, job growth and climate resilience into the goals of this program, the proposed language does not go far enough. Since its inception in 2003, the Department of Environmental Conservation has approved 1,156 applications to the program, and issued Certificates of Completion (COCs) to 543 formerly contaminated properties statewide. The program has been credited for revitalizing abandoned and underutilized properties. However, the program has also been criticized for allowing former polluters off the hook for site clean up; and rewarding developers with large tax credits without the guarantees of timely site-clean up, community participation, and family sustaining wages for remediation workers. Despite previous reforms of the program, sites often still sit in limbo for years, while community health is put at risk, while allowing polluters to escape their cleanup liability. Furthermore, though this program is funded by the public, it does not require developers to pay family sustaining wages because it is currently not considered under the definition of "public work".

We urge you to add robust mechanisms to this program to guarantee stronger investments in our communities. Mechanisms like:

- 1) A requirement for developers to include a plan to establish a community advisory group (CAG) for the site. A Community Advisory Group (CAG) is made up of representatives of diverse community interests. A CAG is designed to serve as the focal point for the exchange of information among the local community, the developer and the Department of Environmental Conservation.
- 2) A clause that any site would be ineligible for the program if there is a liable Potentially Responsible Party (PRP) able to provide cost recovery. A PRP is a person, firm or unit of government that may be financially responsible for site remediation. This clause would reduce the potential for responsible parties to avoid clean up liability and cost recovery, thus reducing the burden on taxpayers.

- 3) Extend the definition of ‘public work’ to the BCP Program. We have a responsibility to ensure that projects that receive publicly supported tax credits are providing good paying jobs. Defining the program as public work will attach labor standards to the program, and better support New Yorkers and New York State’s long-term goals. Studies also show that labor standards provide social benefits from higher wages and better workplace safety, increased government revenues, and elevated worker skills in the construction industry.

Right now New York has an opportunity to fix the environmental justice, public health and worker protection loopholes in New York’s Brownfield Cleanup program. New Yorkers deserve a return on our bold investment. We deserve a guarantee that when we invest in remediation programs, they are comprehensive, transparent, and increase the wealth of our communities.

Sincerely,

BlueGreen Alliance
New York State Building and Construction Trades Council
New York Conference of Operating Engineers
New York State Laborers Employers Cooperation & Education Trust
Clean Air Coalition of Western New York
American Public Health Association, Environment Section
Labor Network for Sustainability
National Wildlife Federation Northeast Regional Center
Alliance for a Green Economy
Environmental Advocates
New York Public Interest Group, NYPIRG
Sierra Club Atlantic Chapter
Citizens for Change
Citizen Coalition for Wildlife and the Environment
Coalition for Economic Justice
Coalition for Responsible Economic Development for Grand Island
For the Many
Grassroots Gardens
Long Island Progressive Coalition
Metro Justice
PUSH Buffalo
Seneca Lake Guardian
Sustainable Tompkins
Ujima Company, Inc.
Western New York Council for Occupational Safety and Health, WNYCOSH

