

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY

AND WATERFRONTS 1

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL
PROTECTION, RESILIENCY AND
WATERFRONTS

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June 15, 2023

Start: 1:18 p.m.

Recess: 5:00 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: James F. Gennaro, Chairperson

COUNCIL MEMBERS:

Jennifer Gutierrez

Robert F. Holden

Sandy Nurse

Lincoln Restler

OTHER COUNCIL MEMBERS ATTENDING:

Gale A. Brewer

Carlina Rivera

Alexa Aviles

A P P E A R A N C E S

Rohit T. Aggarwala, the City's Chief Climate Officer and the Commissioner of the New York City Department of Environmental Protection

Victoria Cerullo, the Acting Executive Director of the Mayor's Office of Climate and Environmental Justice

Ross MacWhinney, Senior Advisor in the Mayor's Office of Climate and Environmental Justice

Julia Casagrande, Deputy Director of the Clean Energy team at the Mayor's Office of Climate and Environmental Justice

Esther Regelson

Nydia Leaf

Ryan Li, CEO and Co-founder of ReVert Technologies

Daniel Chu, Energy Planner at the New York City Environmental Justice Alliance

Emily Walker, Senior Manager of External Affairs of the Natural Areas Conservancy

Urvashi Rangan

Cristobal Vivash

Joel Kupferman

COMMITTEE ON ENVIRONMENTAL PROTECTION, RESILIENCY
AND WATERFRONTS 3

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

Eunice Ko, Deputy Director at the New York City
Environmental Justice Alliance

Alex Beauchamp, Food and Water Watch

Carol Chervin

David Wallach

Dietmar Detering

Drew Gamils

George Pakenham

Kathy Legg

Dr. Richard Gold

Wanfang Wu

Eric Eisenberg

Logan Welde

Mari Inoue

Hunter Severini

Andrew Van Brisker

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2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Committee on Environmental Protection
4 located in Chambers, recorded on June 15, 2023, by
5 Nazly Paytuvi.

6 SERGEANT-AT-ARMS: Good afternoon and
7 welcome to today's New York City Council hearing for
8 the Committee on Environmental Protection.

9 At this time, please silence all
10 electronic devices.

11 If you wish to submit testimony, you may
12 at testimony@council.nyc.gov.

13 Just a reminder, no one may approach the
14 dais during any point at this hearing.

15 Chair, we are ready to begin.

16 CHAIRPERSON GENNARO: I am silencing my
17 own phone. Okay.

18 [GAVEL] Good afternoon. I am Jim Gennaro,
19 Chair of the Committee on Environmental Protection,
20 Resiliency and Waterfronts, and today we'll hold an
21 oversight hearing on the City's new long-term
22 sustainability plan, PlaNYC, Getting Sustainability
23 Done. The City's long-term sustainability plan cannot
24 be taken lightly. It outlines and communicates to the
25 public how the City will mitigate existential

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2 environmental threats such as sea level rise, more
3 frequent and more intense storms, and a warming
4 planet, and, furthermore, it provides strategies to
5 improve important City services such as waste
6 management and public transportation. The plan makes
7 sure our City is safe and well-run. Look what my
8 Staff said. That's why I sponsored Local Law 17 of
9 2008 and Local Law 84 of 2013 which requires the
10 Mayor's Office to publish a long-term sustainability
11 plan every four years. Thank you, Staff.

12 The Committee will also hear Intro. 286
13 by Council Member Rivera to my left in relation to
14 the maximum volume and type of siren used by
15 emergency vehicles. Council Member Rivera will give a
16 statement on her bill at the conclusion of my
17 statement.

18 Intro. 611 by Council Member Brannan
19 requiring the consideration of net carbon impacts of
20 each unit of appropriation during the budget process.
21 We're going to hear that.

22 Intro. 898 by Council Member Aviles
23 requiring DEP to translate the City's Air Complaint
24 Program portal into the designated citywide
25 languages.

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2 Intro. 960 by Council Member Brewer who
3 is also here who will give a statement regarding
4 authorized emergency vehicles to have an emergency
5 signal device that emits pulsating low-frequency
6 tones.

7 Intro. 983 by Council Member Brannan
8 requiring DCAS to install solar canopies on all City-
9 controlled parking lots where they are deemed to be
10 cost-effective.

11 Resolution 605 by myself and Council
12 Member Aviles in support of A5338 and S5181, State
13 legislation which would prohibit the discharge of
14 radiological agents into any New York waterways. To
15 be clear, I feel strongly about prohibiting the
16 release of any radiological agent into the State
17 waterways and do not support the watered down
18 language of A7208 and S6893 which would only prohibit
19 discharge into the Hudson River in connection with
20 the decommissioning of the IP nuclear power plant.

21 Much has happened since the last long-
22 term sustainability plan was published in 2019, and
23 some of these events have made it harder for the City
24 to accomplish its goals on sustainability. For
25 example, science has reconsidered the impact of

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2 atmospheric methane on global warming, Hurricane Ida
3 threatened the City with storm surge and (INAUDIBLE)
4 flooding and the closure of the IP Energy Center, and
5 COVID-19 pandemic which shifted power use patterns
6 have slowed the City's progress towards its
7 decarbonization goals. The 2023 PlaNYC must address
8 these new challenges head-on. I've taken a look at
9 it, and I think it does. Other events of the last
10 four years have made it easier for the City to meet
11 its goals on sustainability. The State CLCPA of 2019
12 set a statewide target to produce 70 percent of the
13 power from renewable sources by 2030 and 100 percent
14 by 2040, and new largescale renewable energy projects
15 are poised to significantly green New York City's
16 energy grid, which will put the City back on track to
17 meet its 80 by 50 decarbonization goal.

18 On April 20, 2023, the Adams'
19 Administration published its first long-term
20 sustainability plan, PlaNYC, Getting Sustainability
21 Done. Unlike previous long-term sustainability plans,
22 the plan takes into account new GHG inventory
23 protocols that have been adjusted for the impact of
24 fugitive methane unlike previous iterations that have
25 underestimated the effect of this potent greenhouse

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2 gas. The plan's inclusion of policies to reduce
3 emissions from food productions and fugitive methane
4 reflect the findings of these inventories. In
5 particular, the plan has initiatives to reduce
6 emissions from City agency food purchases by 33
7 percent before 2030 and to divert organic waste from
8 landfills to biodigesters that use anaerobic
9 digestion to break down organic matter into methane
10 that can be fed back into the system, reducing the
11 dependence on more polluting sources of methane such
12 as fracked gas. That is the longest sentence I've
13 ever read in an opening statement so we have a
14 record. I want that to be noted by the Council.

15 There are many challenges ahead as the
16 City continues to grapple with the long-term and
17 short-term effects of climate change. I hope that the
18 Council and the Administration are able to work
19 together, I'm sure we will, to refine and implement
20 all the initiatives of PlaNYC.

21 I'd like to thank the great Committee
22 Staff who have done such great work over the years,
23 my Counsel, Samara Swanson, to my right, Policy
24 Analysts Ricky Chawla and Andrew Bourne, Financial
25 Analyst Andrew Lane-Lawless, and, of course, my one

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2 Legislative Director Nabjot Kaur for all of their
3 hard work.

4 We're joined here by Council Member
5 Holden, a Member of the Committee who joins us via
6 Zoom, Council Member Nurse, a great Member of this
7 Committee. We have the sponsors of the bills here,
8 Council Member Rivera and Council Member Brewer.

9 Before we invite testimony from the
10 Administration and swear that in, the Chair
11 recognizes Council Member Rivera for a statement on
12 her bill which is Intro. 286. I recognize Council
13 Member Rivera for a statement.

14 COUNCIL MEMBER RIVERA: Thank you, Chair
15 Gennaro. Thank you to the Members of the Committee
16 and, of course, the public and the Administration.

17 Good afternoon. I'm Council Member
18 Carlina Rivera, Representative for District 2 on the
19 East Side. Thank you, Chair Gennaro, for holding this
20 hearing and for the opportunity to say a few words
21 about my bill being heard today.

22 Intro. 286 seeks to reduce the siren
23 noise that negatively impacts quality of life for so
24 many communities across the city by requiring
25 alternative high and low, two-tone signal devices on

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2 emergency vehicles. This bill would require that
3 sirens do not exceed a noise level of 90 decibels.
4 Many constituents from the East Side and the West
5 Side contact our office about siren noise, and I know
6 this is common in other offices. New Yorkers filed
7 739,527 noise complaints to the 3-1-1 hotline in
8 2022. We know that New York is a loud city, but that
9 doesn't mean we have to suffer ear-piercing siren
10 noise that disrupts daily life and neighborhood
11 enjoyment while still allowing these vehicles to get
12 through and get to people in time. There is no doubt.
13 Analyses suggest that a 5 dB noise reduction scenario
14 would reduce the prevalence of hypertension by 1.4
15 percent and coronary artery disease by 1.8 percent.
16 The annual economic benefit is estimated at 3.9
17 billion. Mount Sinai Health System already uses the
18 two-tone siren in its 25 ambulances that make around
19 100,000 trips per year. The switch was made in 2018
20 after decades of complaints from residents of the
21 Upper East Side home of the hospital complex. When
22 Mount Sinai's Emergency Medical Services Director
23 Joseph Davis played siren options to see what locals
24 liked, they hated them all, but the high/low sounds
25 were least intrusive. Funny, right? While my bill on

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2 sirens did get a mention on SNL Weekend Update at one
3 point, so you know it's mainstream, and as their joke
4 implied with this improvement an ambulance ride would
5 sound a little more Euro, and even SNL writers had to
6 mention that a trip to the hospital here should
7 hopefully have real universal healthcare at the end
8 of it one day.

9 We know that sirens are necessary, but
10 they do not need to be as loud or as disruptive as
11 they currently are, and I hope with discussion of
12 this legislation we can reach a point where it's
13 bearable for everyone, and, of course, always putting
14 safety first.

15 I urge my Colleagues to support this
16 legislation, and I thank the Chair for allowing us to
17 hear this bill on noise and public health. Thank you.

18 CHAIRPERSON GENNARO: Thank you, Council
19 Member. I'll next recognize Council Member Brewer who
20 will give us a statement on her bill that's being
21 heard today, Intro. 960. I recognize Council Member
22 Brewer for a statement.

23 COUNCIL MEMBER BREWER: Thank you very
24 much, Council Member Gennaro, and I certainly concur
25 that our city is noisy, but certainly too one of the

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2 biggest complaints we get is siren noise. I happen to
3 live between two hospitals so I'm really aware of it.

4 I'm introducing 960, and it will
5 authorize emergency vehicles to have an additional
6 siren often called a rumbler, which emits a pulsating
7 low-frequency tone to create vibrations that alert
8 pedestrians and motorists and anyone else to the
9 presence of the emergency vehicle. We all know that
10 siren noise has become a part of our City's sound
11 landscape. The current type and use of sirens and
12 flashing lights to alert drivers and pedestrians to
13 their presence can be challenging for emergency
14 responders' ability to get a response from traffic
15 and pedestrians, especially in noisy or crowded
16 environments. I think that even though it is loud and
17 disruptive as a siren, people have become
18 desensitized and remain aloof, and this can lead to
19 accidents and injuries. Pulsating low-frequency tones
20 have been shown to be more effective than sirens and
21 flashing lights at getting the attention of drivers
22 and pedestrians. These tones can be heard and felt
23 even in noisy environments. A rumbler coupled with
24 the use of high/low two-tone sirens by emergency
25 response vehicles as outlined in Council Member

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2 Rivera's bill would have extensive health benefits.
3 With around 9,200 NYPD cars, 50 of which have the
4 rumbler now, 2,300 Fire and EMT vehicles, and 700
5 Department of Correction emergency vehicles active on
6 our streets, limiting the fleet's noise would have a
7 marked effect, and that doesn't even count the
8 private ambulances. In 2016, a study was at the
9 University of Michigan School of Public Health, and
10 they concluded that a mere 5 dB reduction, that's
11 less than the sound of leaves rustling, in overall
12 noise would, one, reduce the prevalence of
13 hypertension by 1.4 percent and coronary heart
14 disease by 1.8 percent, saving 2.4 billion every year
15 in healthcare cost and increasing economic
16 productivity by 1.5 billion.

17 I was interested in this topic so I
18 certainly met with paramedics, EMTs, and I went along
19 on a ride with New York Police Department Chief
20 Robert Martinez. He has since retired, but last year
21 we went in the summer, and I saw for myself the
22 behavior of cars and pedestrians with the rumbler.
23 During the ride, the Chief used the rumbler siren,
24 and I saw vehicles respond immediately to the
25 vibrating siren, ensuring a clear path for the

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2 emergency vehicle, and I must admit they didn't pay
3 attention to anything else.

4 New Yorkers must not think that their
5 complaints are falling on deaf ears. We can improve
6 our quality of life while maintaining emergency
7 responsiveness.

8 I want to just give an example of what we
9 experienced in the car. During the ride, as I
10 indicated, we used the low-frequency siren, often
11 called the rumbler siren. This new kind of siren
12 which Chief Martinez has been all over the world
13 talking about and is used extremely well in European
14 cities, uses the same tone as a typical siren but at
15 a much lower frequency. The rumbler transmits noise
16 through high-output woofers and produces a vibrating
17 sound as opposed to a shrieking one. A timer shuts
18 off the tone after a short time, further reducing the
19 duration. The lower frequencies emitted by the
20 rumbler better penetrate vehicles and are less
21 detrimental to public health and the quality of life
22 compared to the tones of standard wailing sirens.
23 During my ride, I saw other vehicles respond
24 immediately to the vibrating siren so that we could
25 get through.

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2 Just like everything else, there are
3 challenges. I want to be honest with you because some
4 feel that inside the car, although we've not heard
5 complaints from the 50 who have it, it could be a
6 little bit louder inside the car than outside the
7 car. It has to be looked at. But in order to reduce
8 excessive siren-related noise, our City should
9 mandate that emergency responders use high/low as
10 their default siren and cap sirens at 90 decibels as
11 required by the proposed legislation and scale up
12 their use of vibrating siren technology.

13 City emergency response vehicles should
14 allow the driver to toggle between high/low sirens
15 and the vibrating low-frequency sirens in response to
16 traffic conditions as I outlined, and we did a couple
17 of op-eds on this topic.

18 I really thank you, Mr. Chair. This is an
19 incredibly important topic. People spend their whole
20 day ear-covering and being awakened in the middle of
21 the night, and that needs to end. Thank you very
22 much.

23 CHAIRPERSON GENNARO: Thank you, Council
24 Member Brewer. Thank you for your statement. Thank
25 you for your bill.

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2 We have Council Member Aviles who I
3 believe is going to make a statement on Intro. 898
4 and maybe on the Reso. or whatever you want to do.
5 She has a Reso. as well. I recognize Council Member
6 Aviles for a statement.

7 COUNCIL MEMBER AVILES: Great. Thank you,
8 Chair Gennaro. Thank you for holding this hearing
9 today and for offering Intro. 898 and Reso. 605 the
10 opportunity to be heard.

11 I also want to thank the Chair for his
12 leadership on the issue of dumping radiological waste
13 in one of our most precious resources, the Hudson
14 River. I also want to thank our air quality and water
15 quality advocates, many of whom are in the room
16 today, for their help with both of these pieces of
17 legislation.

18 For those of you who may not know, I am
19 Council Member Alexa Aviles, and I represent District
20 38 in Brooklyn, and environmental justice community
21 with a large non-English-speaking constituency.

22 Nearly half of our residents in my District natively
23 speak Spanish, Mandarin, Fujianese, or Arabic. As an
24 environmental justice community, we are also acutely
25 impacted by the host of air quality issues including

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2 the BQE which cuts through our District, a truck
3 route that runs through residential roadways, cruise
4 ships that dump toxic exhaust into our neighborhood,
5 last mile facilities with vehicles that idle at their
6 points of origin in our District, and on and on and
7 on through the neighborhood.

8 While Intro. 898 only gets at the idling
9 portion of what we experience in our District, why
10 wouldn't we equip Districts like mine to be able to
11 take action where possible to limit our own exposure
12 to harmful particulate matter. Right now with the
13 Portal open only to English speakers, my community is
14 not able to properly or effectively submit idling
15 complaints. Expanding language access would not only
16 help to potentially clean up our air but also will
17 allow access to financial incentives for doing so.
18 Further, data collected through expanding access to
19 the air quality portal might more accurately reflect
20 what is happening across our city, rather than just
21 what is happening in potentially more affluent
22 communities.

23 I look forward to hearing from the Agency
24 today on what resources we may need to make Intro.
25 898 a reality.

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2 With regards to Resolution 605, I
3 obviously want to give space for the co-prime
4 sponsor, the Chair, to speak on this issue, but I
5 want to emphasize that our City must take immediate
6 action as other municipalities around the State have
7 already done to condemn even the suggestion of
8 allowing Holtec to dump radiological waste into the
9 river that connects a broad expanse of our state and
10 which supports an abundance of life including our
11 own.

12 Tridium, which cannot be fully removed
13 from wastewater, leaves pregnant women and children
14 in harm's way and elevates the risk of cancer, not to
15 mention the impact on our local ecosystems, which in
16 New York City we are trying desperately to restore in
17 places like Bush Terminal Piers Park located in my
18 own District. Passing this Resolution must be done
19 with urgency to send the message to our State
20 lawmakers and to Holtec Industries and anyone of
21 their likes that dumping will not be allowed in our
22 river.

23 Again, I want to thank the Chair for his
24 incredible support and resolute leadership on these
25 issues. Thank you, my Colleagues and advocates and

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2 everyone, for fighting for a clean and healthy New
3 York City.

4 CHAIRPERSON GENNARO: Thank you, Council
5 Member Aviles. I appreciate your statement, and I did
6 speak on the Resolution in my opening statement and
7 thank you for all that you do and all of your
8 environmental leadership. It's really greatly
9 appreciated, and there we have it.

10 I'll turn it over to Samara to administer
11 the oath to our panel and then, after that, the
12 Commissioner and his colleagues can proceed with
13 their good testimony.

14 COMMITTEE COUNSEL SWANSON: Please raise
15 your right hand.

16 Do you swear or affirm to tell the truth,
17 the whole truth, and nothing but the truth today?

18 COMMISSIONER AGGARWALA: I do.

19 ACTING EXECUTIVE DIRECTOR CERULLO: I do.

20 CHAIRPERSON GENNARO: Thank you,
21 Commissioner. Our pleasure to have you and your
22 colleagues here. We have a long partnership, going
23 back a long time, and now it's a whole new thing with
24 the new PlaNYC and the floor is yours.

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COMMISSIONER AGGARWALA: Thank you, Mr. Chair.

Good afternoon, Mr. Chairman, Members of the Committee, and Central Staff. My name is Rohit T. Aggarwala. I am the City's Chief Climate Officer, in which capacity I oversee the Mayor's Office of Climate and Environmental Justice, and the Commissioner of the New York City Department of Environmental Protection. Thank you for the opportunity to speak today about PlaNYC: Getting Sustainability Done, our new strategic climate plan. I am joined by Victoria Cerullo, the Acting Executive Director of MOCEJ.

CHAIRPERSON GENNARO: Rit, if I could, I'm just going to jump in a second. Is there someone working on the soundboard that could up the output for Rit's microphone, that would be great.

COMMISSIONER AGGARWALA: I'll bring it closer.

CHAIRPERSON GENNARO: Is there anybody on the soundboard, Sergeant?

No? Okay. All right, we got it.

COMMISSIONER AGGARWALA: I'll try to speak up then.

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CHAIRPERSON GENNARO: Okay.

COMMISSIONER AGGARWALA: I will say we have a broad cross-section of the MOCEJ team here to fill in any details that Vickie and I are not fully up on, but we're doing okay.

This PlaNYC is the fifth strategic climate plan that the City has issued. The first, PlaNYC: A Greener Greater New York, was issued under the Bloomberg administration while I was Director of Long-Term Planning and Sustainability so I led the creation of this first strategic plan and oversaw the implementation of its 127 initiatives.

In 2007, we were looking at ways the city could grow responsibly by putting forward the idea that a place like New York should and could take climate seriously. Today, we do take it seriously. New Yorkers are dealing with the effects of climate change like dangerously high temperatures, flooding on sunny days, and, of course, the air quality emergency we had only two weeks ago. The plan we needed in 2007 is not the plan we need today. Far more than previous plans, the 2023 PlaNYC is focused on getting stuff done. It doesn't just lay out goals. It details actions to achieve them. This plan builds

1 on the priorities of the Adams Administration and
2 takes advantage of an unprecedented level of climate
3 funding from the federal and state governments.
4

5 As the Mayor says in the plan's
6 introduction, this is the Get Stuff Done PlaNYC. It
7 was built on a series of strategic approaches and
8 guiding principles that put the needs of New Yorkers
9 first. The urgency of meeting climate challenges is
10 evident in our approaches, particularly focusing on
11 implementation, achieving near-term benefits for New
12 Yorkers while also implementing long-term goals,
13 making full use of federal and state funding,
14 implementing climate-focused budgeting to align
15 resources with sustainability and resilience goals,
16 and streamlining the procurement process to expedite
17 project delivery. While we are focused on doing this
18 quickly, we are also focused on doing it right, and
19 that involves the rest of our principles: Centering
20 environmental justice and health equity in our work,
21 creating economic activity around climate action,
22 strengthening private sector investments with
23 incentives and mandates, and leading by example as a
24 City government.
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2 Guided by these principles, we developed
3 a strategic plan built around three main objectives:
4 protecting ourselves from climate threats, improving
5 quality of life, and building a green economic
6 engine.

7 All New Yorkers know that climate change
8 is real and is a present danger to our communities.
9 We have been experiencing warmer temperatures, more
10 extreme rainstorms, and more invasive coastal storm
11 surges. Climate change threatens our health and
12 safety. Its impacts directly lead to death and
13 illness, home and business economic losses,
14 neighborhood damage, and energy supply disruptions.

15 Protecting us from climate change
16 includes responding to the impacts we already face as
17 well as reducing activities that contribute to it.
18 For the former, we are adapting to the new realities
19 of extreme heat and flooding. For the latter, we are
20 working to reduce emissions from buildings, the most
21 significant source of pollution in the city, and
22 switching from fossil fuels to clean and reliable
23 energy.

24 Extreme heat doesn't make the headlines
25 of other extreme weather, in part because wealthier

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2 New Yorkers can cool their homes to escape the worst
3 consequences, but it does kill more New Yorkers each
4 year than all other forms of extreme weather
5 combined. According to an analysis by the Department
6 of Health and Mental Hygiene, about 370 New Yorkers
7 die from heat-related causes every year. Heat is an
8 emergency. That's why it's the first climate threat
9 focused on in PlaNYC. The plan details our commitment
10 to developing a maximum indoor temperature policy
11 by 2030 and installing 1 million square feet of cool
12 roofs. The plan also focuses on near-term solutions
13 and building co-benefits into climate solutions. We
14 included initiatives to achieve a 30 percent canopy
15 cover, to plant more than 30,000 native trees and
16 shrubs, and to make open spaces more accessible and
17 connected. Increasing biodiversity also improves
18 community health. Better access to open spaces offers
19 health, social, and community benefits.

20 I probably don't have to speak too much
21 about the dangers presented from flooding in the
22 city, especially not to this Committee. Recent events
23 have made this threat far too real, ranging from
24 Hurricane Sandy when 44 New Yorkers their lives, two
25 years ago when 13 New Yorkers lost their lives. Many

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2 others were left with damaged and even destroyed
3 homes from these events, and others face flooding
4 challenges during even mild storms or, particularly
5 along the shores, during dry weather.

6 In past hearings, I have spoken about our
7 efforts to build more resilient communities, such as
8 creating Cloudburst projects in flood-prone
9 neighborhoods. With PlaNYC, we are going even
10 further. For example, we look to create a new Bureau
11 of Coastal Resilience under my agency, the Department
12 of Environmental Protection. This bureau will focus
13 on coastal flooding issues, complementing the
14 stormwater flooding work that DEP has been doing, and
15 bringing citywide flooding mitigation strategy with
16 our best experts working together in one agency. With
17 one agency managing flood risk, although I will
18 hasten to point out there will always be a major role
19 for this topic among other agencies, it will never be
20 a wholly one-agency issue, but what we have to do is
21 have one agency firmly in the lead and firmly
22 responsible, sorry, back to my text now, but with one
23 agency managing the overall process, we will be able
24 to streamline planning, implementation, and
25 operations. We are also planning to launch a

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2 voluntary housing mobility and land acquisition
3 program.

4 We are designing initiatives that plan
5 for the near-term as well as the long-term. Those
6 near-term benefits are most crucial for overburdened
7 residents, the people who deal with flooding every
8 time it rains or every time there's a high tide.
9 There are New Yorkers who are living in trauma, a
10 word the Mayor often uses and an apt one for climate
11 change impacts, and we need to make their lives
12 better as soon as we can. Long-term and short-term
13 efforts are not mutually exclusive. We need to
14 address their concerns now while we continue our
15 work on multibillion dollar long-term projects.

16 A signature initiative in this plan is
17 Climate Strong Communities, which I mentioned when I
18 testified here in October as we marked the 10th
19 anniversary of Superstorm Sandy. Through the Climate
20 Strong Communities program, we develop equitable
21 resiliency projects focused in areas of the city that
22 still face disproportionate risks from climate change
23 challenges. Specifically, Climate Strong Communities
24 is designed to invest in communities left unaddressed
25 by Hurricane Sandy recovery funding, the communities

1 that you so movingly talked about when I sat at this
2 table six months ago. These resiliency projects place
3 community needs where they belong, in the center
4 stage. The program focuses on environmental justice
5 communities, and its multi-hazard resilience and
6 sustainability projects will position us to compete
7 for federal and state funding. We are building with
8 this program on existing work in East Harlem and
9 Canarsie while beginning work in Soundview, Corona,
10 Brownsville, and Port Richmond. The benefits will be
11 felt in every borough.

12
13 As I mentioned, buildings are the greatest
14 single contributor of greenhouse gas emissions in the
15 city. At our press conference in April, Mayor Adams
16 spoke about building on the work of his predecessors,
17 work that includes the implementation of Local Law
18 97, the Climate Mobilization Act. This groundbreaking
19 law requires the largest buildings in the city to
20 meet new energy efficiency and greenhouse gas
21 reduction milestones by 2024 and 2030. This is one of
22 the most important, defining climate laws in the
23 country. Our plan commits us to enforcing that law,
24 rewriting the rules, and ensuring that we are
25 partnering with building owners through information

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2 and service. We are also building job pipelines,
3 which I'll address in a few moments.

4 A critical component of protecting us
5 from climate threats is transitioning to clean and
6 renewable energy sources. Currently, the city relies
7 on fossil fuels and aging infrastructure, which
8 contribute to our high energy costs. PlaNYC includes
9 plans to maximize the opportunities for climate
10 infrastructure on City-owned property, connecting NYC
11 to clean electric resources, and assisting individual
12 building and homeowners so that they can install
13 clean energy on their properties.

14 Many climate solutions are nature-based,
15 and most provide co-benefits that improve quality of
16 life even when they are not serving resiliency
17 purposes. We are committed to lowering emissions
18 while ensuring that everyone in the city has equal
19 access to vibrant and healthy space.

20 PlaNYC plans to mitigate pollution and
21 increase resilience, but also, critically, enhance
22 our quality of life. These goals are achieved by
23 having lush and accessible parks and open spaces,
24 street trees, clean waterways, reliable
25

1 transportation options, and access to fresh and
2 healthy food.

3
4 For example, heat reduction initiatives
5 such as planting trees and increasing canopy cover
6 don't merely reduce heat. They also improve air
7 quality, provide habitats for native species, and
8 create a more beautiful and relaxing environment,
9 and I will point out also they are great at
10 managing stormwater as well. Similar co-benefits
11 are provided by the extensive Bluebelt and green
12 infrastructure systems that DEP creates to manage
13 stormwater and reduce combined sewer overflows,
14 which in turn improves the quality of our local
15 waterways. Improved public transportation options
16 reduce emissions and make it easier for residents
17 to get around.

18 Another important initiative is reducing
19 localized air pollution, such as by getting polluting
20 trucks off city streets. We have too many idling
21 trucks on our streets. We appreciate the City
22 Council's work to further restrict idling near green
23 spaces earlier this year, and we look forward to
24 strengthening the enforcement of idling rules. We are
25 also working with the public sector on transitioning

1
2 fleets to electric power so they don't ever have to
3 idle again.

4 We can create economic activity through
5 climate action. Investments in climate action can
6 contribute to the City's economic recovery and long-
7 term prosperity. The initiatives focused on job
8 creation address education and good jobs in emerging
9 sectors that build long-term economic mobility while
10 benefiting our environmental justice communities. We
11 are doing that by cultivating the offshore wind
12 sector and by activating climate resource hubs for
13 workforce development.

14 Greening the city also means creating a
15 waste and circular economy to reduce our overall
16 waste production and beneficially reuse the resources
17 we currently throw away. For example, we have
18 recently reached a milestone for renewable energy at
19 our Wastewater Resource Recovery Facility at Newtown
20 Creek. On March 31st, the facility began injecting
21 biogas, a natural waste product of the wastewater
22 treatment process, into the National Grid system. The
23 biogas byproduct is chemically identical to fossil
24 fuel gas, so it can be used by existing systems.
25 Unlike fossil fuels, biogas is produced as part of

1
2 the natural carbon cycle. It does not add new carbon
3 to the atmosphere. The biogas produced at Newtown
4 Creek is able to serve about 2,500 homes, meaning
5 that 2,500 homes can be taken off of fossil fuel gas.
6 Of course, just yesterday we had that announcement,
7 and I want to thank Council Member Nurse and Council
8 Member Restler for joining us along with the EPA
9 Regional Administrator, Deputy Mayor Joshi, and
10 Vickie.

11 As stated in the report, extreme weather
12 disproportionately harms communities of color and
13 low-income residents who have faced generations of
14 systemic racism, disinvestment, and inequality.

15 Since taking office, Mayor Adams has been
16 dedicated to supporting environmental justice and
17 health equity. The Mayoral office that oversees
18 climate, sustainability, and resiliency work is the
19 Mayor's Office for Climate and Environmental Justice.
20 This value, this terminology, has been reflected in
21 the work we have done so far, such as siting the
22 first set of cloudburst mitigation projects in EJ
23 neighborhoods and the commitment is a primary
24 principle of PlaNYC.
25

1
2 Further, we will be releasing a
3 standalone EJNYC report this fall, which will detail
4 the environmental justice movement in New York City
5 document the environmental inequities facing low-
6 income communities and communities of color. This
7 report will be the first of its kind in the city, and
8 I will add it will be designed to lead into an EJ
9 plan, which will eventually mesh fully with PlaNYC to
10 get at those root causes so that we can divert course
11 and not just document what's going on. A written plan
12 is nice, but promising something isn't the same as
13 accomplishing something. This is the Get Stuff Done
14 administration. This is the Get Stuff Done
15 Administration, and this is the Get Stuff Done
16 PlaNYC.

17 So, how do we do that? First, under this
18 administration, climate impact will be considered
19 in all of the city's budget decisions and
20 investments. We look at the money spent on climate
21 work, and we recognize that it can and should and
22 must be spent holistically. This administration is
23 committed to ensuring that every aspect of the
24 City's budget takes climate into account and,
25 through it, the Office of Management and Budget will

1
2 engage agencies on the carbon impacts and the
3 consistency of their budget requests with the city's
4 overarching climate goals and PlaNYC. I've said,
5 actually lots of people have said, but if you want to
6 see somebody's priorities, you want to see somebody's
7 values, you look at their budget, and this
8 Administration's budget is going to move to the place
9 where it fully reflects our climate values.

10 Further, federal and state governments
11 have approved unprecedented levels of funding
12 specifically for climate work. We are taking full
13 advantage of the opportunity this provides.

14 CHAIRPERSON GENNARO: Sergeant.

15 COMMISSIONER AGGARWALA: We have applied
16 already for nearly 1.5 billion dollars of federal
17 funding in 2022, and we will continue to apply for as
18 much as possible from these new sources.

19 Unfortunately, and I've stated this to this
20 Commissioner before, arbitrary limits set by the State
21 prevent New York City from getting our fair share of
22 this kind of funding, particularly of state and
23 federal grants, which is the most valuable kind of
24 funding. PlaNYC includes plans to push as hard as we
25 can to make sure that the wonderful opportunities in

1
2 the Bipartisan Infrastructure Law, the Inflation
3 Reduction Act, and the New York State Environmental
4 Bond Act are fully available to New York City, and I
5 will add once again my thanks to the Chair and to
6 this Committee for the Resolution that was passed
7 last year encouraging the voters of New York State to
8 adopt the Environmental Bond Act but also very
9 clearly calling for an equitable distribution of its
10 funds to reflect the fact that New York City is 44
11 percent of the population, 59 percent of the States
12 disadvantaged communities, and 62 percent of its tax
13 bases, and yet we rarely get anywhere near 44 cents
14 on the dollar from programs like the Environmental
15 Bond Act. We have to change that. The administration
16 needs partnership from the City Council to make these
17 initiatives successful, and I look forward to
18 discussing your thoughts on this plan and continuing
19 an active dialogue beyond today's hearing.

20 Before I conclude, I'll touch on three of
21 the bills being heard today.

22 First, Intro. 611 would require certain
23 carbon accounting as part of the budget process. We
24 are, as I said, embracing carbon accounting as part
25 of New York City's budget process through the climate

1 budgeting initiative that is in PlaNYC. Climate
2 budgeting is a complex and emerging practice that
3 will take time to implement effectively. To that
4 end, we are deeply engaged with and learning from
5 globally leading municipalities, and we will be
6 rolling out the first phase of climate budgeting as
7 we plan for Fiscal Year 2025. We are happy to stay
8 engaged with the Council as we proceed. It may be
9 possible to legislate on this in a few years, but
10 we believe it would be premature to do so now. My
11 colleagues at OMB and I would welcome further
12 engagement about this process, and we are happy to
13 meet with any Member who wishes to discuss it in
14 more detail.

16 Intro. 898 would require that the
17 Citizen's Air Complaint Program Portal be translated
18 into the designated citywide languages. DEP highly
19 prioritizes language services in all of our
20 engagement with the public, including working with
21 those who submit idling reports through this portal.
22 All publicly distributed materials are available in
23 these languages, and outreach staff can access
24 interpretation services on their city phones as
25 needed. We are very proud of the anti-idling program

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2 and want to work with the Council to make it as
3 accessible as possible for all New York City
4 residents. One thing I will add and Council Member
5 Aviles, I will point out that there is a distinction
6 and we can talk about further in Q and A between
7 general city services and 3-1-1 and what is submitted
8 to the Enforcement Program. The detail that we have
9 not yet fully worked out with OATH is that the
10 because what is submitted is evidence in a legal
11 proceeding, it is different from a normal city
12 complaint, and that is a detail that we have still to
13 work out about the full viability of your bill from
14 our perspective.

15 Intro. 983 would require solar canopies
16 to be constructed in City-owned or operated parking
17 lots. We fully support expanding solar power
18 infrastructure around the city. It is a key aim of
19 PlaNYC. In partnership with the Department of
20 Correction, DCAS installed the City's first solar
21 canopy in December 2022. We support the expansion of
22 solar carports and canopies, but prioritizing parking
23 lot solar canopies is not necessarily the best
24 solution in all locations so we would like to work
25 with the Council to develop a solar expansion program

1
2 that prioritizes the best opportunities and gets the
3 greatest return.

4 Intro. 286 would require alternating high
5 and low, two-toned signal devices on emergency
6 vehicles. This, we believe, is a bill that our
7 partners at DCAS, FDNY, and NYPD will need to
8 address.

9 I want to thank this Committee and Chair
10 Gennaro for your ongoing attention to climate change,
11 not just during this administration but, for some of
12 you, all the way back to Superstorm Sandy and,
13 particularly for you, Chair Gennaro, well before
14 that. Climate change is the biggest challenge of our
15 lives, but we have the tools to address it, and
16 we're happy to answer any questions that you have.
17 Thank you.

18 CHAIRPERSON GENNARO: Thank you,
19 Commissioner, for your comprehensive testimony, and
20 we really appreciate all that you put into PlaNYC and
21 all of the good things that will flow from it.

22 Just want to recognize that we're joined
23 by Council Member Restler, Council Member Gutierrez
24 is here as well, Council Member Holden is joining us
25 remotely.

1
2 The Council has this rule that if you're
3 remote you can only ask questions if there's a
4 questions so while we have a quorum I want to give an
5 opportunity to ask questions.

6 This is budget time and everyone is very
7 busy, and I'm going to be here for the whole hearing
8 so it's my practice during really busy times to give
9 my Colleagues who might not have the ability to stay
10 for the whole hearing to get their questions in. I
11 have a whole question set. I've gone through the
12 statement and other prepared questions, but I'd like
13 to give an opportunity for my fellow Colleagues that
14 have to run off and do other things to get their
15 questions in. I understand that Council Member Nurse
16 was put down for questions? Right? Okay. Just one
17 second.

18 For now, I recognize Council Member Nurse
19 for questions. You'll get plenty from me. Don't worry
20 about it. I'm not going to cheat you.

21 COUNCIL MEMBER NURSE: Thank you, Chair.
22 That's very generous. I'm not usually prepared this
23 early to do questions.

24 Since we're out of order, I had questions
25 about flood insurance policies. One of the steps for

1
2 Initiative 21: Strengthen Our Communities, the long
3 title was to increase the number of flood insurance
4 policies here in New York City, but the plan is
5 showing that it has slightly decreased, and I was
6 curious what steps you are taking to spread awareness
7 and increase the number of people who are signed up
8 for flood insurance, especially in areas that may be
9 five years ago weren't really experiencing flooding
10 in their homes and businesses as well.

11 COMMISSIONER AGGARWALA: First of all, and
12 I'll let Vickie and perhaps some of her colleagues to
13 answer the specific steps that we are taking, but
14 I'll just start by saying that one of the things that
15 your very important question raises is the extent to
16 which we have to help New Yorkers think very
17 differently the climate. I've said before that for
18 400 years New York has existed in a pretty forgiving
19 climate zone. We have not had to worry about tornados
20 coming to kill us. We have not had to worry
21 traditionally about hurricanes coming to kill us. We
22 don't tend to worry about earthquakes coming to get
23 us. What we've learned over the last decade is thanks
24 to climate change the weather can kill us here too as
25 it has for many New Yorkers through several of these

1
2 events and the heat that we've talked about. The City
3 can and should and must do a great deal to upgrade
4 its infrastructure and prepare and create that kind
5 of citywide resilience, but, as you have in places
6 like the West Coast in the earthquake zones, in the
7 Midwest in the tornado zones, we are not going to be
8 able to run away from the fact that individual New
9 Yorkers are going to need to take steps to protect
10 themselves and protect their property, and I think
11 getting flood insurance is that kind of practice that
12 we have to help all New Yorkers realize they have to
13 take seriously their own particular flood risk and
14 not assume that the City can always protect them.
15 With that..

16 ACTING EXECUTIVE DIRECTOR CERULLO: Just a
17 few more things. We do partner with the Center for
18 New York City Neighborhoods and Flood Help New York.
19 We are working on more communication around flood
20 risk and options for insurance. Everyone should be
21 able to get insurance. We also advocated with the
22 State two flood risk disclosure bills to pass the
23 Senate and the Assembly both for renters and
24 homeowners so that is part of our advocacy work as
25 well, but you will see we are actually just working

1
2 on marketing materials. You'll see bus shelters and
3 communities that we're targeting, particularly EJ
4 communities, so that people are aware of their
5 options and how to get support and help.

6 COUNCIL MEMBER NURSE: Thank you. That's
7 really helpful. I think more outreach, especially
8 over the summer months as we head into hurricane
9 season, would be helpful. This is an issue that I'm
10 tracking very strongly because of the impacts in my
11 community, but all these indicators are coming from
12 across the country. We just saw that in Florida a
13 bunch of companies just pulled back from writing any
14 new policies. We know in California things are
15 changing. We've even seen and heard the federal
16 government is looking at is FEMA going to be able to
17 support people as we start to move into these types
18 of more increasing climate crisis, and so I'm curious
19 what you all are doing to think about those
20 conversations proactively and that trend. I think the
21 experience of Ida and the fact that the City didn't
22 consider one single claim for damages was already a
23 clear indication that most people are going to be
24 left on their own and is a clear kind of what you're
25 saying about New Yorkers are going to have to start

1
2 figuring this out, but I think they need that deeper
3 level of engagement to start to really concretely
4 think about that, and so I'm just curious what kinds
5 of conversations you're having about how to project
6 where the private sector doesn't want to insure
7 places like New York City.

8 COMMISSIONER AGGARWALA: First of all,
9 you're completely accurate in pointing out that the
10 insurance industry has changed, and the insurance
11 industry is probably smarter on this than many of us
12 just because they are so data-driven. I don't have
13 particular insight right now into what the insurance
14 industry is thinking about New York City, but I will
15 reiterate that this is the kind of thing that we are
16 increasingly focused on.

17 One other thing that I'll add to what
18 Vickie pointed out, another initiative that PlaNYC
19 envisions is actually the expansion of scope of the
20 New York City Accelerator, which is the City's kind
21 of helpdesk for buildings, currently focused on Local
22 Law 97 compliance, but exactly through so many
23 conversations that we've seen including the ones that
24 you and I walked around Knickerbocker Avenue, there
25 is a clear need for a way for citizens and homeowners

1
2 and building owners to get initial basic guidance on
3 what they can and should be doing and what their
4 risks are. Last summer, we published Rainfall Ready
5 which was the action plan that the City put together,
6 DEP led with MOCEJ and several other agencies to
7 start that process of raising awareness. It included
8 the flood maps that now guide where we are going to
9 do some of that outreach. It guided where we did the
10 giveaways of those inflatable flood barriers which we
11 have more of this year and we will be trying again,
12 and it will increasingly guide DEP's own capital
13 planning, but it's a question we're aware of. I don't
14 have a clear indication yet of what it directly means
15 for the insurance industry in New York.

16 ACTING EXECUTIVE DIRECTOR CERULLO: Just
17 one addition. Something that we are looking at is
18 parametric insurance, and we'd be happy to give you a
19 briefing on that, a pilot we're working on, which
20 would actually insure people when a threshold is met
21 that we could predict in advance so we can definitely
22 share more about that. It is a pilot.

23 COUNCIL MEMBER NURSE: Yeah. My last
24 question because I know...

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2 CHAIRPERSON GENNARO: Yeah, I'm going to
3 say that the time limit is up, but Sandy is my Chair
4 as well so I have to give her some extra time. It's
5 my pleasure to give her a little more latitude to
6 ask...

7 COUNCIL MEMBER NURSE: I'll always give
8 you an extra question at my Committee.

9 CHAIRPERSON GENNARO: Another good
10 question.

11 COUNCIL MEMBER NURSE: Just because this
12 is a long-term thinking plan, even last year the
13 Council voted on a big ULURP out in Canarsie on a big
14 land project, a big housing development project, and
15 I'm just curious how you all are thinking about the
16 City investing big chunks of dollars into building
17 out in places where we know there's going to be
18 constant need for mitigation, recovery, and this
19 question of will flood insurance work out there, and
20 I'm just curious how you all are having these
21 conversations with HPD and that arm of the City to
22 start thinking about when and where do we say
23 actually the City dollars can't be going to investing
24 in building places where it doesn't make sense
25 anymore.

1
2 COMMISSIONER AGGARWALA: One of our
3 fundamental challenges in New York City as we all
4 know is highly exposed to flooding with more than 500
5 miles of coastline but also a city that has an acute
6 housing shortage that we all know about is striking
7 that balance between where we say that we're not
8 going to build anything, where we say eventually we
9 might do buyouts and actually retreat from while not
10 creating or exacerbating a housing crisis. I think in
11 general we have a number of places around the city
12 where the Department of City Planning has said due to
13 flood risk we should not be building then there are
14 other places where there is flood risk but because
15 there is already a lot of surrounding activity we are
16 always going to have to do what it takes to protect
17 that area, and in those cases where it's a little bit
18 akin to infill in a flood-prone zone we look at the
19 building standards so that that new construction does
20 not add to flood risk, but we do not think that it is
21 the right answer to leave that land vacant, just
22 because, again, you're going to have to protect that
23 neighborhood no matter what.

24 COUNCIL MEMBER NURSE: Thank you. Thank
25 you, Chair.

CHAIRPERSON GENNARO: Thank you, Council Member Nurse. I recognize Council Member Aviles for questions.

COUNCIL MEMBER AVILES: Thank you, Chair. Thank you for your testimony.

I'm having a little bit of cognitive dissonance right now with a little bit of what the testimony is saying and what we are experiencing in my District, which includes the waterfront communities of Sunset Park and Red Hook. How does the policy of allowing the proliferation of unregulated last mile logistic facilities to get clustered in a waterfront community get considered around its climate impacts? We can tell you what the impacts are, we've seen them across the country when it's happening, and yet there is no policy to mitigate, to stop, to rationalize, it is just allowing ongoing proliferation. As you know, we are an environmental justice community, and yet we have upwards of nine facilities clustered in a community with no waterfront usage. Where is the stuff in the climate change in the lens used in this situation? We have been screaming from the rooftops around this issue, and we receive nothing in return but more facilities,

2 more trucks, more cars, more sprinter vans, and no
3 regard.

4 COMMISSIONER AGGARWALA: Council Member, I
5 will say I think the issue of the proliferation of
6 delivery hubs, particularly in Red Hook and also in
7 the South Bronx, is something actually that's
8 addressed very much in this plan and something that
9 has very much occupied our attention. Unfortunately,
10 the phenomenon you're describing, and you know this
11 as well as we do, has to relate to the citywide
12 zoning resolution, that the zoning text allows
13 certain uses as of right that did not create the
14 levels of traffic that they did 10 years ago before
15 delivery hubs were a thing the way they are now and
16 now have this byproduct that nobody had appreciated.

17 COUNCIL MEMBER AVILES: So is the zoning
18 text going to get ready to stop this, to put a
19 moratorium to stop the clustering of these facilities
20 and to put in mitigation efforts and measures and
21 resources into these communities?

22 COMMISSIONER AGGARWALA: Yeah. Council
23 Member, first of all, and I'll ask my colleague,
24 Daphne, to perhaps join me up here, as you know, the
25 Department of City Planning is undergoing right now

1
2 the public review of its City of Yes Zoning for
3 Carbon Neutrality proposal, and that includes the
4 first step to address this phenomenon and arrest it.
5 PlaNYC also includes a commitment, and this is
6 something that particularly Deputy Mayor Joshi is
7 personally concerned about and excited about, and we
8 are working on to figure out how we can create low-
9 emission zones. Low-emission zones are something that
10 have been done in Europe and, most notably, in
11 London. Traditionally, they have been used to keep
12 polluting vehicles out of city centers. What PlaNYC
13 identifies is the opportunity to devise low-emission
14 zones around hotspots in environmental justice areas,
15 and, in fact, Red Hook and Hunts Point are called out
16 in PlaNYC as the two places that we would most like
17 to see a low-emission zone so it is not, I wish I
18 could say we had a silver bullet for it, we do not,
19 but it is not quite true that we are not at all
20 trying to address this phenomenon. Let me ask Daphne
21 if she could talk a little bit about..

22 COUNCIL MEMBER AVILES: I'm glad to hear
23 about the low-emission zone, but one hand seems to
24 not understand what the other is doing. While we're
25 contemplating low-emission zones, the Mayor's Office

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2 along with the EDC thought it was great to strike a
3 deal with a cruise company that brought the largest
4 cruise ship into Red Hook, bringing thousands of
5 additional trucks in addition to the last mile
6 logistics facilities with no consideration for air
7 quality, quality of life, infrastructure issues, or
8 the climate for that matter. We can talk about the
9 particulates and pollution that cruise ships already
10 bring in so what I am in desperate need of is for the
11 agencies to truly come up with a comprehensive plan
12 and look at the collective impacts of their decisions
13 in environmental justice communities, not 10 years
14 later, right now, because our community is suffering
15 right now, and every day we have a new facility and a
16 new deal cut by this Administration that does not
17 consider the community nor does it bring us in so I
18 would very much like us to be part of the
19 conversation, not after the fact. Thank you.

20 CHAIRPERSON GENNARO: Thank you, Council
21 Member Aviles, for your good questions and your
22 passion on these critical issues.

23 I recognize Council Member Brewer for her
24 questions.

1
2 COUNCIL MEMBER BREWER: Thank you very
3 much. I have four different kinds of questions.

4 I've been a long proponent of purchasing
5 locally. Now, that's not under DEP, but you mentioned
6 it as one of the PlaNYC goals so how does that, as a
7 City, fit into purchasing from our local farms
8 upstate, number one.

9 Number two, obviously we're all focused
10 on City of Yes carbon, etc., etc., etc., so the local
11 community, will they be able to measure either the
12 zoning and/or PlaNYC so they know that in my
13 neighborhood we are doing well compared to others or
14 well compared to the city, that kind of thing.
15 Obviously, we do that with monitoring of air, the
16 Department of Health does it in terms of health
17 indicators. It is more complicated about what you're
18 talking about, but would there be some way of doing
19 that?

20 Three, I'm a big proponent, I've gotten
21 nowhere, on getting more schoolyards to be open to
22 the public. Right now, if you're not 10 minutes from
23 a park, if you are, you can't get schoolyards to be
24 open so that would help some of the drainage issues,
25

1
2 green issues, so on and so forth, but I'm getting
3 nowhere so I want to know your position.

4 Finally, Jerry is a rockstar in terms of
5 noise, but I want to know what it is, I know you
6 mentioned other agencies should be involved with
7 sirens and we agree. I have a bill on the same topic
8 for adding to the rumbler, not so much siren noise,
9 so I want to know if you have any position at all on
10 that topic or how your agency would take a position
11 on siren noise? Those are my four questions.

12 COMMISSIONER AGGARWALA: Okay, thank you.
13 Let me take those, I think, in reverse order. On your
14 other Intro. related to rumpblers, that is something
15 that obviously DEP does enforce the Noise Code.
16 Currently, the Noise Code does not address those, and
17 that is something that we will be happy to consult
18 with our colleagues at PD and FDNY, etc. on but not
19 something that I claim any current expertise. One
20 thing I will note, Council Member, no reason you
21 should've noticed it, but something we are doing at
22 DEP is we are now recreating a direct report to raise
23 the Bureau of Environmental Compliance which handles
24 the Air Noise Code enforcement. Currently, it's part
25 of our overall Bureau of Sustainability. We are going

1
2 back about a decade or so. We're going to create it
3 as its own standalone bureau, and we are in the
4 process of recruiting a new Deputy Commissioner who
5 will report directly to me. My objective there is to
6 find somebody who will think about this truly in a
7 strategic way and who will wake up every day thinking
8 about air and noise quality and how DEP can leverage
9 its enforcement capability towards the objective of a
10 quieter city and cleaner air.

11 COUNCIL MEMBER BREWER: Must be your work
12 on a Community Board that got you to that point.

13 COMMISSIONER AGGARWALA: And I thank the
14 person who put me on that Community Board almost
15 every morning so thank you.

16 COUNCIL MEMBER BREWER: Thank you very
17 much.

18 COMMISSIONER AGGARWALA: Sorry. Now, I've
19 forgotten the other three questions.

20 COUNCIL MEMBER BREWER: Schoolyards, data,
21 and food. Schoolyards, data, and food.

22 COMMISSIONER AGGARWALA: Let me take food
23 for 400, please. One of the initiatives in PlaNYC,
24 and, as the Chair's statement identified, we are now
25 looking at the food carbon footprint of New York City

1
2 as something that we have to manage. One of the
3 interesting things we've found, and it's just a point
4 of awareness, is that food miles are nowhere near as
5 important to the overall carbon impact of the food we
6 consume as the food itself so a vegetable from
7 California, it turns out is better for the
8 environment than locally raised beef, for example,
9 but one initiative that we have in PlaNYC that we
10 will be working on through my agency is working with
11 the Watershed Agricultural Council, which I know
12 you're personally very familiar with, up in the
13 watershed..

14 COUNCIL MEMBER BREWER: Yeah, been there.

15 COMMISSIONER AGGARWALA: Because we see
16 the beginnings of the economics changing to encourage
17 the farms in the watershed where previously they've
18 tended to see their best economic returns through
19 dairy farming and then beef farming. Increasingly, we
20 think that farmers up there are seeing their best
21 economic returns in truck farming and organic truck
22 farming. That's obviously something that's a benefit
23 to the City, and so we will be working with Grow NYC
24 and the WAC to see if there are ways that we can play
25 a role in fostering that.

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2 COUNCIL MEMBER BREWER: Great. And then it
3 was just data. How does a neighborhood measure, it's
4 complicated, some of the things that you're talking
5 about and obviously City of Yes on carbon, etc.? Like
6 I said, we do measure some things, but I don't know
7 if this could also be measured.

8 COMMISSIONER AGGARWALA: It is hard, and,
9 Ross, maybe you could speak to some of the..

10 COUNCIL MEMBER BREWER: I'm a big data, as
11 you are, I'm very focused on data.

12 COMMISSIONER AGGARWALA: Yes, now in the
13 past, we've tried to scale down the carbon inventory
14 to the neighborhooded ZIP code level. I will say the
15 consumption-based inventory that is an input into our
16 new integrated carbon inventory does go down I
17 believe to the ZIP code level or census track?

18 SENIOR ADVISOR MACWHINNEY: Ross
19 MacWhinney, Senior Advisor in the Mayor's Office of
20 Climate and Environmental Justice. As far as data
21 granularity, I guess I'd call this, we have very good
22 data so building level data for the buildings over
23 25,000 square feet so those make up about a third of
24 citywide emissions, those large buildings by
25 themselves, and we get that data annually, but we

1
2 also know about monthly utility bills for that
3 building set. As far as the citywide greenhouse gas
4 emissions, we actually have energy consumption on a
5 ZIP code level for most ZIP codes in the City. There
6 are some that are obfuscated because of state privacy
7 requirements. We do have the data. Most of our
8 analysis is on either a building basis or a citywide
9 basis, but we could do further analysis to get a
10 sense of ZIP code level performance. At least on
11 buildings, that is there. I'd say as far as
12 transparency is concerned, we rely quite a lot on
13 modeling, and it's really not something that we can
14 drill down into a ZIP code level. We might be able to
15 get to a borough level on the transparency side.

16 COUNCIL MEMBER BREWER: Okay.

17 COMMITTEE COUNSEL SWANSON: Excuse me. Can
18 you raise your hand so that we can swear you in.

19 Do you swear or affirm to tell the truth,
20 the whole truth, and nothing but the truth today?

21 SENIOR ADVISOR MACWHINNEY: I do.

22 COUNCIL MEMBER BREWER: Thank you for
23 that. I just think in order to get more people to buy
24 in, the more data they have to be supportive is
25 something to think about.

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Just finally the schoolyards,
Commissioner?

COMMISSIONER AGGARWALA: Council Member, I
apologize. I am not fully up to speed on where things
are with schoolyards to playgrounds..

COUNCIL MEMBER BREWER: They're nowhere
just in case you didn't know.

COMMISSIONER AGGARWALA: I will get back
to you.

COUNCIL MEMBER BREWER: So I would love to
get some support for getting my schoolyards to be
more open. I'm not saying every schoolyard. If I had
my druthers, it'd be every schoolyard. My druthers
are Trust for the Public Land would do all the public
schoolyards, but there are thousands of them, maybe
hundreds, that are not open, and I think it would
help with the bioswale, it would help with
everything. We just need some money for the
custodians. Thank you.

CHAIRPERSON GENNARO: Thank you, Council
Member Brewer.

I recognize Council Member Restler for
questions.

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2 COUNCIL MEMBER RESTLER: Thank you very
3 much, Commissioner. It's good to see you and Director
4 Cerullo. Thank you for joining us today.

5 Can we just start with when did Gayle
6 appoint you to the Community Board? Is that CB7? What
7 are we talking about here? I'm kidding, but I do want
8 to learn more about this because that amazes me.

9 CHAIRPERSON GENNARO: Lincoln, I think you
10 need to get a little closer to the mic too.

11 COUNCIL MEMBER RESTLER: All right. I
12 think we need a roster of all of Gale's appointments
13 over the years and where they are now.

14 I did want to start with an area that I
15 think is of great concern to many Members of the
16 Council around RECs, but maybe to pull back a little
17 bit. I think some of the trends we saw in the
18 datapoints from the 2022 One NYC report what the
19 previous Administration called the PlaNYC showed that
20 we were moving in the wrong direction on several key
21 indicators around carbon neutrality suggesting
22 potentially we're not on track to meet our 2050
23 goals. There are obviously some good things coming,
24 the federal investments, the CLCPA, new local
25 projects that I hope will get us back on track, we

1
2 obviously have a long time to get there, but I think
3 we would all agree the most important thing is to
4 drive down our building emissions, and I'm personally
5 very concerned about how we can effectively limit the
6 use of renewable energy credits. Our goal is not...

7 CHAIRPERSON GENNARO: Sergeant, clock
8 please.

9 COUNCIL MEMBER RESTLER: Oh, is it not...
10 Good. That's because you just wanted me to talk all
11 afternoon because you know I'm happy to, Chair.

12 In all seriousness, when does DOB intend
13 to issue additional rulemaking to limit RECs?

14 COMMISSIONER AGGARWALA: Council Member,
15 first of all, I will reiterate the fact that this
16 Administration is fully supportive of fully
17 implementing Local Law 97. At the same time, we
18 believe that the big prize in Local Law 97 is not the
19 2024 target but it's the 2030 target...

20 COUNCIL MEMBER RESTLER: Agreed.

21 COMMISSIONER AGGARWALA: Which is going to
22 require the bulk of the mobilization and have the
23 bulk of the benefit to the plan. Furthermore, we are
24 deeply engaged on a weekly and sometimes even from my
25 calendar daily basis with wrestling with the

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2 difficulty of how to actually implement this
3 ambitious law. I will say for anybody who thinks that
4 it is simple, they are wrong.

5 COUNCIL MEMBER RESTLER: Agreed.

6 COMMISSIONER AGGARWALA: For anybody who
7 thinks that buildings are going to find it easy, some
8 will, but some very much will not.

9 COUNCIL MEMBER RESTLER: Agreed.

10 COMMISSIONER AGGARWALA: And so what we
11 are really, as I have said many times, trying to
12 stick to the spirit of the bill's title, the law's
13 title, which is the Climate Mobilization Act, and
14 mobilization requires a multiprong process where you
15 help people and you give them targets and you ensure
16 that they understand consequences, and we intend to
17 do that.

18 Over the course of this summer, we will
19 be coming out with our next set of proposed rules
20 around Local Law 97 implementation. I have said, I
21 have testified before this Committee, that we will be
22 seeking to define the good faith effort clause in
23 that law to both help buildings that are doing the
24 right thing but also be very clear to buildings what
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2 they would need to do in order to receive any mercy
3 for lack of a better term.

4 In terms of RECs, we are working right
5 now with NYSERDA to understand what RECs really would
6 mean for Local Law 97 compliance. Personally, I
7 believe that the importance of RECs in Local Law 97
8 compliance has been vastly overstated by frankly all
9 parties in this discussion. There are some who want
10 no restrictions on RECs; I think they are
11 overestimating their value. There are some who want
12 lots of restrictions on RECs; I think they are
13 overestimating the risk that RECs pose. We are really
14 focused primarily on what it takes to get those
15 buildings, particularly the Class B and C office
16 buildings, particularly the co-ops and condos and the
17 rental apartment buildings, that's our main concern.
18 What it takes to walk them through the multi-year
19 process of understanding what they need to do,
20 figuring out how to get the financing, getting big
21 projects done, and reaching that 2030 standard.

22 COUNCIL MEMBER RESTLER: Everything you
23 said was totally reasonable, and I appreciate the
24 response. Agree, look forward to seeing the proposed
25 rules this summer. Understand that NYSERDA is working

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2 with you all on a report. Would love for you to share
3 whatever the findings are in that report as soon as
4 you're able to so we could begin to understand it as
5 well. Agree with you this is not going to be easy for
6 everyone, but it's critically important that we
7 provide the rules of the road to people as soon as
8 possible. My concern, though, to be clear, was what
9 the Urban Green Council found which was that 2/3 of
10 office buildings would be able to use RECs as they've
11 been defined to date to not make any improvements on
12 their buildings or further reduce their emissions to
13 be able to comply with the law. That does not feel to
14 me in the spirit of what we are working to achieve
15 which is a dramatic reduction in emissions in New
16 York City so look forward to working together more on
17 that.

18 Recognizing my time is short even though
19 I got some extra time from a clock malfunction, heat
20 pumps. I was very surprised to see, if I scanned the
21 report accurately, that the only reference to heat
22 pumps were the 30,000 that NYCHA is planning, which
23 we're very excited about and appreciate NYCHA's
24 creativity at Woodside Houses and we hope to support
25 them in making that pilot successful and expand it as

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2 quickly as possible, but shelters, schools, municipal
3 buildings, we're not focused on the rapid
4 installation of heat pumps in these buildings which I
5 think can be gamechangers for us?

6 COMMISSIONER AGGARWALA: Council Member, I
7 think in most cases we did not seek to specify the
8 specific interventions that we are looking for, but
9 I'll cite a couple of items in PlaNYC where heat
10 pumps are relevant.

11 First is actually the ambition, as I
12 stated in my testimony, to work towards a maximum
13 indoor temperature. One of the things that that does,
14 and if you did that in kind of a simplistic
15 standalone approach, you're basically saying oh, the
16 Administration is planning to mandate air
17 conditioners for all residential units. Really, what
18 we think makes it possible to contemplate a maximum
19 indoor temperature is the fact that many apartment
20 buildings, particularly affordable and rent-regulated
21 apartment buildings, are going to comply with Local
22 Law 97 through the use of window heat pumps, and
23 those, of course, provide both heating and cooling,
24 so I think that's one area where we see promise.

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2 A second is in Public Solar. Public Solar
3 is an initiative, you're probably aware of it, We're
4 doing this very much jointly with Comptroller Lander,
5 and, although its title is Public Solar, it really is
6 about identifying how we can use the greenhouse gas
7 reduction fund money that we hope will come from
8 Washington to help one- to four-family homeowners do
9 the full electrification, and that's the induction
10 stovetops, that's the heat pump, that's the rooftop
11 solar, that's the battery, because that's really
12 where we need to go. Solar to a certain extent is the
13 cream skimming the way 10 or 15 years ago we saw an
14 unfortunate tendency of cream skimming of just
15 companies coming in and changing light bulbs, doing
16 the easy stuff and leaving the hard stuff undone. A
17 lot of what drives our interest in Public Solar is
18 that it can be used to promote that whole-house
19 redevelopment that will inevitably include heat
20 pumps.

21 The final thing I'll cite which I think
22 is a place where heat pumps are relevant is where we
23 talk about the objective of climate infrastructure on
24 all City buildings. It's easy to assume that that
25 means just solar on the roof, but we are going to be

1
2 thinking much more holistically about that kind of
3 infrastructure.

4 COUNCIL MEMBER RESTLER: All good stuff. I
5 think we're interested in the specific agency-
6 oriented implementation around heat pumps in
7 particular. I'm certainly very interested in that. I
8 think it's going to be a very exciting opportunity,
9 and how we can use our public buildings and buildings
10 that we're responsible for through contracting to set
11 a model for the sector to use our purchasing power to
12 make a difference I think is a huge opportunity.

13 Chair, would I be allowed one more
14 question or?

15 CHAIRPERSON GENNARO: Sure. One more. We
16 have a huge amount of witnesses that are going to
17 testify.

18 COUNCIL MEMBER RESTLER: I'll be quick on
19 this one. I won't give you a long shpiel.

20 CHAIRPERSON GENNARO: No, I like when
21 Members get in and they don't have to wait for me and
22 they get to do their stuff and then go on to other
23 important things.

24 COUNCIL MEMBER RESTLER: I always
25 appreciate the latitude that you give us on this

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2 Committee, Chair Gennaro, and the leadership that you
3 provide.

4 Excited about DEP's role around
5 addressing flood issues in New York City. I think
6 that's an appropriate area for you all to step up and
7 excited to see you take on more. It seems inevitable
8 that we're going to need some more aggressive tools
9 at our disposal, and I'm just wondering are you all
10 considering charging businesses, residents who are
11 producing more stormwater for their extra runoff as a
12 mitigating approach?

13 COMMISSIONER AGGARWALA: Thank you,
14 Council Member. DEP is in the home stretch of a two-
15 year-long sustainable rate study that we are
16 intending to complete by the end of this calendar
17 year that has included public engagement, it has
18 included a lot of expert input, and it asks a number
19 of questions about whether DEP's relatively basic
20 water-charging approach right now which is really
21 just a multiple of how many gallons of water a user
22 consumes, whether it should become more complex. It
23 includes hardship rates, which some cities have
24 adopted for low-income residents. It also includes
25 evaluating a stormwater rate, which a number of other

1
2 cities have embraced, and we'll have more to say on
3 that in the fall.

4 CHAIRPERSON GENNARO: Thank you, Council
5 Member Restler. I appreciate your good questions as
6 always.

7 I recognize Council Member Gutierrez for
8 questions.

9 COUNCIL MEMBER GUTIERREZ: Thank you,
10 Chair. I'll be respectful of the time.

11 Commissioner, good to see you again, and
12 I know I've said it before but thank you for the time
13 that you've spent in our District, walking along
14 Knickerbocker. I know we have a lot more work to do
15 there but just wanted to raise you up.

16 I have actually just one question and,
17 just depending on the response, maybe a followup.
18 Forgive me. I haven't read thoroughly the PlaNYC. I
19 think I can get it from your testimony. It's all in
20 here. I do know that there's an emphasis on
21 maximizing infrastructure on all City-owned property,
22 and we have a package of bills that were passed in
23 the previous Administration, Renewable Rikers, where
24 there is a mandate to reduce the population and turn
25 this property over to City agencies like DCAS,

1
2 potentially DEP, to really do what I think this plan
3 is saying, but I don't know if there's a mention of
4 Rikers in your plan, but we as advocates and Members
5 who support this have been pushing back on DOC, the
6 DOC Commissioner has been here where he basically has
7 said we have no plan to meet that mandate, that law
8 in the time that the legislation calls for which is
9 by 2027, and what we've been doing is saying that not
10 only do we want to reduce the population but the
11 reality of what the intention of the space is
12 supposed to be utilized for as designed for by the
13 plan, as designed by advocates, as advocated by
14 former detainees of Rikers so it's not in the plan,
15 and you can tell me if it is or isn't, but what is
16 the future of investing infrastructure in City-owned
17 land if it's not at the Rikers site, which is a
18 massive, massive site of City-owned land that is
19 designed by, in law, to do that? What can you tell me
20 as far as what this Administration is thinking about
21 and what are ways that we can get it done because I'm
22 sincerely concerned about the rate at which we're
23 actually incarcerating more people and actually
24 defying the intention of this law. Thank you.

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2 CHAIRPERSON GENNARO: I'll just jump in
3 for a second before the Commissioner answers. Thank
4 you for the good question. In the Rikers closure,
5 according to the Renewable Rikers act, is black
6 letter law. We haven't seen movement by the
7 Administration in that direction so they're not
8 meeting their milestones. I don't know that the
9 Commissioner can speak for the totality of the
10 Administration regarding the whole Rikers issue
11 overall, and so I think I'm going to kind of like
12 refine the question in terms of the promise he sees
13 in the full buildout of Renewable Rikers as
14 envisioned by the law that was passed by this Council
15 in 2019. I want him to speak to the renewable
16 potential of Rikers rather than on all of the other
17 issues that surround the Rikers question. I think
18 that's a fair question for the Commissioner to talk
19 about.

20 COUNCIL MEMBER GUTIERREZ: I mean I think
21 you can ask him that question, but I feel like if you
22 can respond to how I phrased it, that would be really
23 great. Thank you, Chair.

24 COMMISSIONER AGGARWALA: Council Members,
25 as you might imagine, I have neither insight nor

1 anything much to say about the actual situation at
2 Rikers right now. I defer entirely to my colleagues
3 at the Department of Correction on that.
4

5 What I will tell you, and I will have to
6 check again, if there is no mention of the two plans
7 that we are working on in accordance with the law
8 then that's merely an oversight. The Renewable Rikers
9 study is underway as a joint effort between DCAS and
10 MOCEJ, and we will have a report that, according to
11 the law, we will publish, or pursuant to the law we
12 will be publishing later this year, and my agency is
13 fully at work on the DEP portion of the Renewable
14 Rikers effort. I've been personally involved in that.
15 I think it's a very exciting opportunity. The
16 opportunities may or may not be quite what I think
17 some of the advocates have imagined, but certainly
18 the prospect of a large piece of land added to our
19 water infrastructure is very exciting to us so we
20 will be reporting on that in accordance with the law.

21 I'll say, finally, I think it's really
22 important that as much as, yes, Rikers is a very
23 visible large piece of City-owned land, there's a lot
24 of City-owned land out there, and we are also, when
25 we think about that initiative, very much thinking

1
2 about rooftops and other City-owned pieces of
3 property so I think it's really important for us to
4 think broadly about the opportunity.

5 COUNCIL MEMBER GUTIERREZ: Can I just,
6 Chair, ask a follow-up question on the City-owned
7 land?

8 CHAIRPERSON GENNARO: Of course?

9 COUNCIL MEMBER GUTIERREZ: Thank you,
10 Chair.

11 In my District, for example, because of
12 the multiple rezonings in Williamsburg, for example,
13 and even in Bushwick, we don't have a ton of large
14 City-owned land. Actually not too far from where we
15 did a walkthrough you'll see a lot of just empty lots
16 that are small that are City-owned and in the
17 instances where they're owned by HPD specifically
18 they've said that they're actually too small to build
19 on so I'm curious and kind of what is the benchmark
20 for what you're looking at for capital investments in
21 a District like mine that has seen so many rezonings
22 we just don't have that City-owned land, but the lots
23 that we do have are small, I wouldn't say they're
24 insignificant, but curious to see if there's a plan
25 for a District like mine or my part of Bushwick where

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we're seeing these smaller lots that HPD is saying we would only be able to build four to six units, which is apparently not enough even though we're in a housing crisis, but kind of what is the plan for some of these smaller City-owned lots? Thank you.

COMMISSIONER AGGARWALA: I'll just say and then I'll ask my colleague to chime in. There are lots of varieties of City-owned land. I'm personally not up on what a small lot strategy for this would be, but part of what we are doing and part of what we are trying to accomplish with climate budgeting is making sure that across the board agencies are incentivized to think about climate in all of their decisions including how they use their available land.

ACTING EXECUTIVE DIRECTOR CERULLO: I'll just say quickly we are working to maximize every single available piece of City infrastructure to place this climate infrastructure. Julia, on our team, leads the Clean Energy Work so she might have some more to say about that.

CHAIRPERSON GENNARO: I think Samara is going to want to do her thing here.

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COMMITTEE COUNSEL SWANSON: Can you please raise your right hand?

Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth today?

DEPUTY DIRECTOR CASAGRANDE: Yes. Julia Casagrande. I'm the Deputy Director of the Clean Energy team at MOCEJ.

I would just say this is why we have the initiative listed as climate infrastructure as opposed to just like solar which has been what we maybe investigated more in the past. We want to look at all these different types of lots that might not be viable for housing or for larger buildings or for solar arrays which you need a good amount of space for so for some of the small lots, we might be thinking about storage or climate infrastructure more like the stormwater management and green infrastructure spaces that can take runoff and be a suitable use for those locations so we want to survey all of the lots even if they're a little weird shape that doesn't work for a larger project.

COUNCIL MEMBER GUTIERREZ: Great. I'll get you a short list. Thank you.

DEPUTY DIRECTOR CASAGRANDE: Great.

CHAIRPERSON GENNARO: Thank you, Council
Member Gutierrez.

I think it's apropos that I put on the
record now that Council Member Nurse and I have sent
a letter to the Administration, to the Mayor, calling
for full compliance with the Renewable Rikers law
which calls for the closure of Rikers by a date
certain in 2027, and this is black letter law. The
law is a law, and the Mayor takes an oath to uphold
the law so that is a letter that myself, as Chair of
this Committee, and Sandy, as Chair of the Sanitation
and Solid Waste Committee, has put forward to the
Administration, and we're still awaiting a response
but just know, Council Member Gutierrez, that Sandy
and I are fighting the fight to make sure that the
full promise of the Renewable Rikers law is
fulfilled. There you go. That was that.

Now I guess it's my turn. My Colleagues
have done a lot of work for me.

On page three of your statement,
Commissioner, the third paragraph, last sentence, you
make reference to launching a voluntary housing
mobility and land act program. If you could just
speak in a little more detail about that, because

1
2 this is what it is. This is kind of where we have to
3 go.

4 COMMISSIONER AGGARWALA: Yes, thank you,
5 Mr. Chair. What we commit to in PlaNYC is, as you
6 say, setting up a voluntary program. We are, I hope,
7 in the final stages of identifying exactly where that
8 will be housed. That's an internal conversation
9 that's been going on within the Administration for a
10 little while now, but I'm optimistic we'll have a
11 decision before too long. The analysis part of it is
12 funded by a million dollars in CDBG resilience money
13 from the federal government that we got, and our
14 intention, and this is one of the things that we
15 found through really good work by the MOCEJ team over
16 the last several years that most people will focus on
17 what are you going to buy and how much money do you
18 have to buy it, but, in fact, the gating factor is do
19 you have the procedures in place to operate a program
20 and to work with people who might be displaced by it,
21 and so that's what we want to set up first. I liken
22 it to creating the vessel before we try to fill it,
23 and so over the next several months we're going to be
24 standing up, and there may wind up being legislation,
25 maybe at the City Council, maybe even at the State

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2 even level that is necessary, we're figuring some of
3 that out, to create that ongoing program so there
4 could be standing offers to specific targeted
5 locations that City agencies will identify as being
6 either difficult or expensive or impossible to
7 protect, at risk of frequent flooding, and where
8 there is a use understood by the City because one of
9 the things is we've understood the mistakes made
10 around the country in buyout programs is if you don't
11 know what you're going to do with the land you have a
12 real problem in buying it. What we want to avoid is
13 that this becomes a panacea where everybody who feels
14 like they ought to be bought out gets bought out.
15 That's not what we are talking about. Our Rainfall
16 Ready Map, for example, is an initial indicator of
17 the kinds of places that we will be looking at. If we
18 can't protect it through green infrastructure or hard
19 infrastructure, then it becomes a viable buyout
20 candidate, and the other way we will think about it
21 is there may be locations that are frequently flooded
22 that if we turn those locations into stormwater
23 infrastructure they can protect the surrounding
24 communities so to a certain extent you might be
25 sacrificing half a dozen or 10 homes to protect the

1
2 surrounding community by building a Bluebelt or some
3 other kind of infrastructure. That would be the kind
4 of thing that we are envisioning with this program.

5 CHAIRPERSON GENNARO: The last part of
6 your answer kind of leads me to believe that some of
7 the properties that might be part of this might be
8 well inland and not coastal. If you can elaborate on
9 that?

10 COMMISSIONER AGGARWALA: That's correct.
11 We all know that two years ago Hurricane Ida reminded
12 us that flooding doesn't just happen from the ocean.
13 It can happen from above, and, to a certain extent,
14 the stormwater flooding is a little bit more
15 tractable to this kind of solution. It's frankly of a
16 lower volume, right, when it's local floodwater as
17 opposed to what's coming in from the ocean, but
18 there's a lot of work to be done on this. Our
19 intention is to get it right rather than get it fast,
20 but we are working with a sense of urgency.

21 CHAIRPERSON GENNARO: The properties, once
22 you have a tract that was bought out, would that
23 become the domain of the Parks Department or how
24 would that work?

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COMMISSIONER AGGARWALA: Again, we are figuring that out. I think...

CHAIRPERSON GENNARO: The whole idea is you don't want to let the property get overgrown and then it becomes an eyesore and then...

COMMISSIONER AGGARWALA: Correct, but I think it's also really important that in many cases we prioritize property acquisition where there is a use for it. It's not just a question of keeping people out of harm's way. In a city as congested as this where we need to make use of every acre of land, we have to make sure that we are smartly acquiring property and putting it to work, not just leaving it fallow.

CHAIRPERSON GENNARO: Right. We had discussions earlier today before this meeting about the 30 percent tree canopy cover and trying to get us from where we are now and the value added of bringing more tree canopy cover to deal with the heat issues that are part of New York City and all of that and having trees be like the green assets that they are. Just talk a little more about how we get from where we are now to where we can possibly be when we do a full buildout of the tree canopy cover? I'm going to

1
2 follow this up with something about invasive species
3 too just so you know that's coming.

4 CHAIRPERSON GENNARO: Oh, all right, good
5 to know. First of all, I'll point right now we
6 estimate about 22 percent of the City has canopy
7 cover.

8 CHAIRPERSON GENNARO: 22?

9 COMMISSIONER AGGARWALA: 22. Our target is
10 30. We think that much of that can be obtained
11 through trees on public land, but it's really
12 important to note that, and this is true in New York
13 City, it's also true around the country and around
14 the world, the biggest contribution to canopy
15 expansion is not in planting new trees. It's actually
16 in the natural and healthy growth of existing trees,
17 which is why preservation of existing, particularly
18 mature existing trees takes center stage in our
19 strategy for canopy.

20 There will be a maximum that we will get
21 to on public land that is probably shy of 30 percent,
22 and this is where we may have to think more
23 creatively about how to help protect the trees that
24 are on private property because, if those aren't
25

1 maintained and allowed to grow, then we probably
2 won't get to the 30 percent that we want.

3
4 CHAIRPERSON GENNARO: Something that I'm
5 having drafted now that I was never able to pass
6 during my prior service at the Council was a bill on
7 species that are truly invasive that cause a lot of
8 problems. That's more like a Department of Parks and
9 Recreation thing, but I pledge to you to try to do
10 what I can to work with the Administration so that we
11 have an invasive species paradigm here in New York
12 City that's similar to jurisdictions that surround
13 us, Nassau County, Suffolk County, Westchester,
14 Jersey, they all have laws that make sure that native
15 species are not propagated just by people going to a
16 local garden center or people having landscape folks
17 that can just plant these species wherever they want
18 so it's like that's an area that I hope to work with
19 the Administration and with this effort to grow out
20 the tree canopy cover. That's more of a statement. It
21 doesn't call for a reply.

22 There was a Member that had a question
23 before about the EJ movement. This is on page five of
24 your statement. You talked about an EJ plan that was
25 going to be a report of the first of its kind in the

1
2 City. If you could give us a little more insight on
3 that.

4 COMMISSIONER AGGARWALA: I'll just say and
5 I'll ask Vickie to elaborate, MOCEJ was tasked by the
6 Council through law to do a two-part effort on
7 environmental justice. First to report to establish
8 the baseline conditions and understand the history of
9 environmental injustice and then a plan for how to
10 address it, and that is something that we are
11 actively working on at MOCEJ. Vickie, you could say
12 more?

13 ACTING EXECUTIVE DIRECTOR CERULLO: Yeah,
14 just to elaborate on that. We are working on this
15 plan with our Environmental Justice Advisory Board,
16 working closely with EJ communities. Something that
17 we didn't mention, when the report is released we are
18 going to be putting out a new mapping tool, an open
19 data portal, that will pull together dozens of open
20 data sets related to environmental justice concerns
21 so that policymakers, New Yorkers, anyone can go on
22 this portal, type in your address, and get all that
23 information very quickly so we're excited about that
24 and then the action plan process.

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CHAIRPERSON GENNARO: Right. When I passed a Local Law to bring the New York City Panel on Climate Change back into existence, part of its portfolio was to look out for disadvantaged communities, and is there any nexus between this EJ plan that you're putting out and the New York City Panel on Climate Change. Is that working out? They're still doing their thing, right?

ACTING EXECUTIVE DIRECTOR CERULLO: We are working together. We do have an interagency group that meets regularly with the NPCC members. EJ, health, equity, these are all topics that have working groups and are discussed so yes.

CHAIRPERSON GENNARO: Okay, so they're doing what they're supposed to do. That's nice.

More prepared questions by Staff. Many of them have already been asked. Let's see what still...

Staff wants me to put you on the spot about something, and I declined to do it so you owe me.

This is something that's come up in the news recently that people made a big deal about, not only sea level rise which everyone has known about for a long time, but land subsidence, something that

1
2 has been known in the inner circle for a while, and I
3 think when this hit the news there wasn't a full
4 appreciation of the fact that this has been known,
5 has been part of the equation. If you could speak to
6 that phenomenon and how it works because also,
7 whereas sea level rise is universal, land subsidence
8 depends on where you're standing, what the competency
9 of the subsurface is and so if you could speak to how
10 that phenomenon has been part of your sea level rise
11 and resiliency planning, we'll just put that on the
12 record.

13 COMMISSIONER AGGARWALA: Happy to do that.
14 Thank you, Mr. Chairman. That article from a couple
15 of weeks ago got a lot of attention, but it's
16 actually important to recognize what that article was
17 doing. It was not identifying that there was
18 subsidence taking place in New York City. That is
19 well-known, well-documented, and it is incorporated
20 into all of the sea level rise models that the NPCC
21 and New York City has been using since 2007 when we
22 started looking at this question so I think everybody
23 should rest assured that the overall phenomenon is
24 fully incorporated into all of our projections and
25 planning that takes sea level rise into account

1
2 because we're focused on sea level rise frankly from
3 whatever reason, whether it's the water getting
4 higher or the land getting lower. That article
5 actually was an interesting academic exercise in
6 trying to parse out how much of it is due to large-
7 scale geological impacts and how much of it is due to
8 the weight of the buildings of New York City. That's
9 really all that article was adding. I don't at all
10 mean to disrespect. It was an interesting exercise,
11 but I think the news media took it to mean this was
12 the first time anybody had noticed this, and it was
13 far from the first time that anybody had noticed it
14 so it is fully accounted for. We focus on sea level
15 rise. That's a relative measure so land subsidence is
16 already in there.

17 CHAIRPERSON GENNARO: Okay, great. Most of
18 this we have done. We should have background music
19 while I'm doing this.

20 Okay, I'll just read this verbatim. Past
21 long-term sustainability plans have aimed to meet
22 specific target indicator values. However, this plan
23 only aims to increase or decrease the value of these
24 indicators. Are the plan's indicator targets
25 sufficiently ambitious. Verbatim.

COMMISSIONER AGGARWALA: Maybe you could speak to that, Vickie. I think there may be a misread of what our appendix is trying to accomplish so that is something I'd be happy to work with Staff to discuss (INAUDIBLE)

CHAIRPERSON GENNARO: Yeah, it was about, if any Member of the Staff wants to go on the record and talk about what was intended to be captured by that question. Andrew, if you want to take your debut, it would be...

ANDREW BOURNE: I'm happy to.

CHAIRPERSON GENNARO: It's kind of a cool thing.

ANDREW BOURNE: (INAUDIBLE) the rules.

CHAIRPERSON GENNARO: Yeah, the rules. I'm the rules so. This is Andrew Bourne, and he's going to try to give some meat to that question.

ANDREW BOURNE: All right. Thank you, Chair Gennaro. Hello, Commissioner. Thank you for responding to my question.

I believe in the indicators that are listed near the end of the appendix in a table, each indicator has a target value which is an increase or a decrease beyond the present value. Past long-term

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2 sustainability plans did not have an increase or
3 decrease target but had a list of targets so, for
4 example, a previous long-term sustainability plan
5 might have said we want to reduce the volume of CSOs
6 to 400 million liters or some number, but this plan
7 just says we would like to reduce the volume of CSOs,
8 and so I just wanted to call attention to that fact
9 and ask if the Administration felt that the indicator
10 targets could be more aggressive in the 2023 PlaNYC?

11 COMMISSIONER AGGARWALA: I think I see
12 what you mean, and I will observe that what we were
13 trying to do in that indicators page in the appendix
14 was actually summarize what was going on in the rest
15 of the plan. For example, on that one, you cite CSOs.
16 Yes, in the indicator section, we say decrease. Of
17 course, in the plan itself we have very concrete,
18 pardon the expression, targets that are incorporated
19 into our long-term control plan with the State for
20 the 2040 timeframe and then what we say in the plan
21 is we want to work towards zero by 2060. What I think
22 though is really important is that part of what we
23 are focused on here is actually the near-term
24 implementation steps. I think one of the things, and,
25 of course, PlaNYC the original, which I'm quite proud

1
2 of, did a lot of this, focused very much on where we
3 need to get to, and that's important. Right now,
4 there's a lot of relatively speaking agreement on
5 where we ought to get to. We might want to say zero
6 by 2060, maybe it could be zero by 2050 or maybe
7 it'll take zero by 2070. That's not the conversation
8 we should be wasting time on right now to be honest.
9 We need to focus on how we get stuff done so we're
10 making progress in the right direction this year,
11 next year, in the next five years, and that's really
12 what we're trying to focus on here.

13 CHAIRPERSON GENNARO: Okay. As usual,
14 Commissioner, your testimony was very, very
15 comprehensive and answered a lot of the prepared
16 questions that we had. We always appreciate how
17 detailed your testimony is, and I just want to put on
18 the record that I certainly appreciate the
19 partnership. Right before we started this hearing, I
20 met with the Commissioner and staff from the
21 Administration about items that were already looking
22 to crystalize into legislation so that there would be
23 part of what the City does in perpetuity, and we
24 certainly appreciate that partnership. I sent out a
25 memo and, next thing you know, everyone is convening

1
2 to have a very substantive conversation about how we
3 can make Local Law which just having this process was
4 borne out of the fact that we put it in Local Law
5 that we would continue to do this, and so certainly
6 appreciate the partnership, certainly appreciate
7 everyone from the Administration being here and all
8 the good efforts. I think this should make everyone
9 in this city feel better that this Administration has
10 a very deep commitment to the future of New York City
11 that it should be resilient, it should be safe, and
12 we should grow green industries and we should prosper
13 along lines of excellence as outlined in this good
14 book. Thank you very much, Commissioner and members
15 of the Administration, for being here and all of your
16 good work.

17 With that, I'm going to take a three-
18 minute recess, and then we're going to hear public
19 testimony. Be back in three minutes.

20 We have an encore. We're all here ready.
21 We should do it. This is a hearing. Please, Alexis.

22 COUNCIL MEMBER AVILES: Thank you, Chair.
23 Sorry to interrupt the recess.

CHAIRPERSON GENNARO: I'm not doing another finale again. I already did. That was pretty good.

COUNCIL MEMBER AVILES: We heard it. It was great.

Obviously, going back to representing a waterfront community, coastal resiliency is absolutely important to us so I would love to hear more about what the timeline for the DEP is to create the Bureau of the Coastal Resiliency and also if the consideration around coastal resiliency includes an activation beyond what we are seeing as a lot of major projects to move water or people looking out at the water and very little in terms of activating the coast for being able to use more boats. We saw Hurricane Sandy. There were very little landings that boats could actually help people move around in so I'd like to know if the Coastal Resiliency Plan looks at also activating our coastline or creating places where activation is possible.

COMMISSIONER AGGARWALA: Thank you, Council Member. I'll say a couple of things on that. First of all, to your question about the timeline. Standing up the new bureau takes some thought, and so

1
2 we have convened an interagency effort right now that
3 just kicked off a week or so ago to identify which
4 functions are best transferred to DEP, to this new
5 bureau, which functions really should remain with
6 some of the agencies that are currently handling it.
7 As I said, it will always be an interagency effort.
8 You can't do something like this in a perfect silo so
9 that is something that I expect probably takes maybe
10 8 to 10 weeks over the course of the summer. We have
11 also been in touch with some outside experts about
12 convening an ongoing way to bring in the extensive
13 expertise that is in the New York City community
14 about coastal resilience, something that I think we
15 have the opportunity to do a lot more of, and that's
16 in some cases people who would consider themselves
17 advocates and in some cases academics. It's very much
18 in the spirit of a lot of the way we developed the
19 original PlaNYC, thinking about both advocates and
20 academics and experts as sources of information to
21 bring in. Finally, in parallel to all of that we are
22 actively recruiting for the new Deputy Commissioner
23 for the bureau. In fact, as recently as yesterday and
24 as soon as tomorrow, I have conversations. We have
25 been proactively reaching out across the country to

1 potential sources of nominations or potential
2 applicants, and that's something we really are
3 thinking of as a national search. All of that, I
4 would hope that we have some of that kind of fleshed
5 out in about September. Hard to predict, especially
6 with a senior search like that, quite how long it
7 will take, but that's kind of the timeframe I have in
8 my head. One of the questions that we are looking at
9 in parallel is what we can get started without
10 legislation, merely as an executive action, and what
11 will require legislative or Charter amendments, and I
12 do expect, and this is something that, as the Chair
13 mentioned, I do expect that the DEP section of the
14 Chart will need to be amended to incorporate coastal
15 resilience. That's on your timeline.

17 In terms of waterfront activation, one
18 thing I will cite is that what you're describing is
19 fully in line with what we are trying to accomplish
20 with Climate Strong Communities, which is thinking
21 comprehensively about the set of opportunities as
22 well as thinking comprehensively about the set of
23 risks. It's very easy just to think in a single
24 purpose mindset, I have to deal with coastal
25 inundation, that's a limited set, it may not be the

1 full set of problems in the neighborhood, it may not
2 be the full potential set of solutions, but if you're
3 dealing with coastal inundation, a seawall really
4 seems like the thing you want to focus on, and it may
5 be and it may not be. It may be incomplete. That's a
6 lot of what we are trying to do with Climate Strong
7 Communities. I will point out that what you describe
8 very much informed the City's input into the U.S.
9 Army Corps of Engineers' Harbor and Tributary Study
10 so we've been working very closely, I will add, with
11 the New York State Department of Environmental
12 Conversation, the New Jersey Department of
13 Environmental Protection to give input to the Corps
14 about their study, and one of our key points is that
15 we cannot think about whatever we do to the shoreline
16 to protect ourselves from coastal inundation as only
17 working to prevent coastal inundation. We always have
18 to think about our waterfront as a multipurpose
19 asset, and whatever we do there has to serve multiple
20 purposes including waterfront access beyond just
21 viewing as you say.

22
23 I will put one more plug in as I'm super
24 proud of the work that my agency is doing at the
25 Gowanus Canal where, in fact, at one of our sites

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2 where we are building one of the two holding tanks
3 for CSOs, we will have not one, but two, access
4 points for people to get kayaks and boats and other
5 things into the canal.

6 COUNCIL MEMBER AVILES: Thank you for
7 that. I'm delighted about the, what do you call them,
8 the kayaks...

9 COMMISSIONER AGGARWALA: The access
10 points?

11 COUNCIL MEMBER AVILES: Yes. I'm actually
12 a little bit more concerned and wanted to know, I
13 know these holding tanks have been a long process for
14 the community and they're desperately needed and
15 certainly, as you know the geography there, Red Hook
16 is very much at risk and deeply concerned about the
17 upland zoning of Gowanus given the geography and the
18 sewage. They're also wanting to know what kind of
19 infrastructure improvements are going to be made
20 within Red Hook since it's a critical sewage point as
21 well beyond the tanks so that was actually my
22 followup question, but I'm delighted to hear
23 definitely the consideration of multipurpose assets.
24 We saw the problem of our City not having that vision
25 across its coastline and how we failed in response

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2 to, I mean I think failing all the time in response
3 to emergencies and I would just add the consideration
4 of water freight, which is what we are seeing as a
5 part solution to the last mile facility piece is
6 activating this waterfront in multiple ways that kind
7 of meet a healthier community so the switch piece is
8 definitely something and deep concern for us, and I
9 would love to talk to you more offline about what
10 that looks like for Red Hook and what we can be
11 expecting as the developments are happening upland
12 and the CSO.

13 COMMISSIONER AGGARWALA: Of course, we'd
14 be happy to dive in in a concentrated way on that,
15 and I'll just add that one of the other things and
16 it's mentioned in PlaNYC that DEP is working on is,
17 and this will be a long process but, is a citywide
18 stormwater resilient strategy. We expect to have the
19 first discussion piece of that out by the end of the
20 year, but one of the things that we have to wrestle
21 with as a City is the mixture of strategies.
22 Obviously, there's choices between green and grey,
23 and we're always going to do green whenever it's
24 possible, but also how much we want to protect
25 against. Other cities that we look at around the

1 world have, in some cases, said actually we're going
2 to design to accept this kind of flooding because
3 this kind of flooding the building owner has to
4 protect against, and the citywide infrastructure will
5 only protect against more than that, and then we have
6 to talk about how much we are willing to pay for it
7 because stormwater infrastructure is going to be paid
8 for through the water rate, and this Administration
9 has been working very hard, I have personally been
10 working very hard to make sure that we are collecting
11 money from deadbeats who haven't paid their water
12 bill, being generous to those who really can't afford
13 to pay it and have fallen behind for legitimate
14 reasons, but we've been doing that in order to
15 prevent the water rate from rising dramatically, and
16 stormwater infrastructure is paid for by the water
17 bill and so we have to think about those as multiple
18 things to take into account.

19
20 COUNCIL MEMBER AVILES: Thank you, Chair.

21 CHAIRPERSON GENNARO: Thank you, Council
22 Member. Sandy, you have one more, right?

23 COUNCIL MEMBER NURSE: No.

24 CHAIRPERSON GENNARO: Okay. Thank you,
25 again. Not going to do the whole thing all over again

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2 but appreciate it and thank you for the encore of
3 questions. It was very productive.

4 We're going to take a three-minute recess
5 then we'll come back and hear public testimony.

6 SERGEANT-AT-ARMS: Good afternoon,
7 everybody. If everybody could please find their
8 seats, we are ready to resume.

9 CHAIRPERSON GENNARO: Thank you all very
10 much for your patience.

11 Okay, we're going to start with the
12 public testimony. These are people who are here in
13 person. They'll have precedence. We ask people to
14 keep it down in the back a little bit.

15 First witness, Matthew begins with the
16 letter S, testifying on Intro. 605. I can't make out
17 the last name, and I'm not going to give out your
18 address which would identify you, but Matthew S.
19 testifying... Oh, he's gone? Okay.

20 Esther Regelson, testifying on Intro.
21 898. Please.

22 ESTHER REGELSON: Hi.

23 CHAIRPERSON GENNARO: Please state your
24 name and commence with your testimony. We're holding
25

1
2 the public testimony to two minutes, but we look
3 forward to whatever you have to say.

4 ESTHER REGELSON: I'll try to be brief. My
5 name is Esther Regelson, and I want to talk about air
6 monitoring for a minute. I might be a little bit off
7 topic from the bill, but I live at 109 Washington
8 Street, a few blocks away, and the site next to me is
9 111 Washington Street which has been an empty lot for
10 quite a while. Before that, it was a parking deck
11 that had a gas tank underground that had been
12 ruptured and is now a brownfield site, and
13 construction began several weeks ago. I was worried
14 about my health. I got an air monitor, and ever since
15 they started the work next door, my air monitor has
16 shown exceedances of particulate matter almost every
17 day since the work started. I've talked to an
18 alphabet soup, communicated with an alphabet soup of
19 agencies, DEP, DEC, and DOH, and none of them seem to
20 be able to shut this thing down. My particulate
21 matter reads high even when my windows are closed.
22 This did not happen before the construction started.
23 When I spoke to the DOH, they said they monitor it
24 conservatively, turning things off when there is any
25 kind of exceedance. However, I will point out to you

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2 that during the Canadian fires when all air
3 monitoring was reading high and my monitor was almost
4 pinning the meter they were still working outside
5 next to us with no masks and impunity for whatever
6 exceedances must have been happening on that site.
7 How is it possible? I talked to the DOH. They said I
8 had a point, but they couldn't stop the work. It's
9 impossible for a citizen to find ways to shut things
10 down when it should be an emergency. I've dealt,
11 Councilman Marte...

12 CHAIRPERSON GENNARO: Why don't we do
13 this...

14 ESTHER REGELSON: Has helped us. I have a
15 lawyer, Joel Kupferman is helping us, and we can't
16 get this thing taken care of in a timely manner, and
17 it's just a citywide problem.

18 CHAIRPERSON GENNARO: Here's what we're
19 going to do. I asked the Administration to leave
20 someone behind to hear the good testimony. We have
21 Marty (phonetic) in the back from, what's that,
22 Summer? Like the Season? Summer is a representative
23 of the Administration, and I think now is the perfect
24 time for you and the representative from the
25 Administration to have a conversation in the back of

1
2 the room and Marty who is like an intergovernmental
3 guy will figure out how we do this. I think that is
4 the best course of action. You have the
5 Administration sitting right here, and I'm telling
6 them to give you the time of day and they're going to
7 do that.

8 ESTHER REGELSON: Okay, I appreciate that,
9 but I do want to point out that this is a citywide,
10 systemic problem. It's not just me..

11 CHAIRPERSON GENNARO: But right now, I'm
12 interested in you. That is not lost on me, but right
13 now I want to take care of your situation, and your
14 time is up now so I want you to have that
15 conversation with the representatives from the
16 Administration right now, and they're willing to have
17 that. I think you didn't waste your time coming here
18 today.

19 ESTHER REGELSON: Okay, thank you.

20 CHAIRPERSON GENNARO: You bet.

21 ESTHER REGELSON: I just hope that the
22 City will see to the problems in the future
23 throughout the City.

24 CHAIRPERSON GENNARO: That's noted. This
25 issue has not escaped my attention.

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ESTHER REGELSON: Thank you.

CHAIRPERSON GENNARO: Okay, you bet. It would be best to have the conversation in the back, just have it now, real-time, just do it, if that's okay.

Some of you are willing to meet with her? Okay, yeah.

COMMITTEE COUNSEL SWANSON: Next, I'm going to call Nydia Leaf, Ryan Li, and Daniel Chu.

CHAIRPERSON GENNARO: I just want to get a sense of what bills you're going to be testifying on. In any order you wish, we're going to do from my left to my right, we'll start with the young lady and then we'll proceed down the line. Just state your name for the record and proceed with your example. Thank you for being here.

NYDIA LEAF: Thank you for listening to my comments. My name is Nydia Leaf. I've lived most of my life in New York City, and I am a graduate of Hunter College in 1954. The motto of Hunter is Mihi Cura Futuri, which was Latin for the future is my concern, and I took that quite seriously. I've worked in the arts, Broadway production, and 45 years ago I worked in California. I was the Education Director

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2 for Food Co-operative promoting organic farming,
3 which in those days was ridiculed so I have an over-
4 long view of the importance of water and healthy soil
5 and the work that goes into protecting them. Tridium,
6 as you know, you've probably already heard testimony
7 along the way in your EPA work, it's three parts of
8 hydrogen, one part of oxygen. Water is two parts
9 hydrogen, one of oxygen. They're so closely related.
10 A teaspoon of tridium will contaminate a billion
11 gallons of water. We cannot, we must not let any
12 tridium go into the Hudson River. We are humans,
13 there are also other creatures that live there, and
14 the work that you're doing here is important on many
15 levels. The decommissioning of nuclear plants takes a
16 long time. I'm 90. 75 years will go very quickly.
17 Holtec can store the radioactive water on-site for 75
18 years. It must not go into the Hudson. Thank you.

19 CHAIRPERSON GENNARO: Thank you. Let me
20 just state that my resolution along with Council
21 Member Aviles, we had high hopes that the State
22 Legislature was not going to water down the bills
23 which they did, and so we're going forward with our
24 resolution anyway. We're just going to amend it
25 because originally it was written to support the

1
2 stronger bill that they were going to do, and so it
3 was going to be like a supportive resolution for what
4 they were doing, but now we're going to slap them
5 around because they decided to water it down and it's
6 not acceptable just to, it's too narrowly drawn, and
7 so this Council agrees with so I want to thank you
8 for coming forward and giving voice to that. I
9 appreciate that.

10 NYDIA LEAF: Thank you, because what is
11 happening here could be a template for all the
12 decommissioning of nuclear plants in the United
13 States.

14 CHAIRPERSON GENNARO: This is not lost on
15 us so this is why we're...

16 NYDIA LEAF: Fight for it.

17 CHAIRPERSON GENNARO: We're the City
18 Council. We just have a voice in this process. We're
19 not shot-callers, but the State Legislature should've
20 done the right thing, and we're going to call them to
21 account. I have to move on to the next witness. Thank
22 you very much.

23 RYAN LI: Hi, my name is Ryan. I'm the CEO
24 and Co-founder of ReVert Technologies. We specialize
25 in making it easy for you to turn things off, and we

1 do that because it's hard to turn appliances off.
2 They're all leaching power even if you're not using
3 it so, if you do what I do, you'll see all the rows
4 and rows of empty cubicles draining power after
5 people have left work. The treadmills that nobody
6 uses when the gym is shut off, the vending machines
7 that are sitting there at a university campus when
8 the students are on vacation so all of this drains a
9 lot of energy. What we've done is using artificial
10 intelligence to track the usages of this and learn
11 from the local grid to compute and tell people if you
12 turn these devices off during certain times without
13 disrupting your lifestyle or business operations you
14 can reduce your carbon emissions by X, Y, and Z, and
15 this has actually inspired people to act, and so I'm
16 here to share the news in support of carbon
17 accounting. I think what gets measured does get
18 people involved in taking action and produce results,
19 and we've seen that with what we've done across
20 hotels, university campuses, offices, and even your
21 homes. Thank you.

23 CHAIRPERSON GENNARO: Thank you. If you
24 have a business card, where's Naby from my Staff, is

1
2 Naby here? Naby, if you could just take the business
3 card of this gentleman. Do you have a business card?

4 RYAN LI: Yes.

5 CHAIRPERSON GENNARO: Okay, we would like
6 to have it so we can look more into the good work
7 that you do. Thank you very much for supporting
8 Intro. whatever it is that talks about the carbon
9 accounting.

10 I'm supposed to know the number, but I
11 don't, so it's just Intro. whatever it is.

12 DANIEL CHU: Good afternoon. Good to see
13 you again, Chair Gennaro. My name is Daniel Chu, and
14 I am the Energy Planner at the New York City
15 Environmental Justice Alliance.

16 CHAIRPERSON GENNARO: Pleasure to see you
17 again.

18 DANIEL CHU: Yeah, good seeing you. I'm
19 here to speak on Intro. 611, the carbon accounting
20 bill, and Intro. 983, which is the solar canopy bill,
21 both sponsored by Council Member Brannan.

22 We are encouraged to see that the City is
23 proposing to do a carbon accounting, and we agree
24 with the spirit of the bill, but we have some strong
25 disagreements with the language of the bill and

1
2 believe that it may harm the environmental justice
3 communities that we serve. Our concerns with it...

4 CHAIRPERSON GENNARO: Oh, this is getting
5 interesting. Okay.

6 DANIEL CHU: Yeah.

7 CHAIRPERSON GENNARO: Glad you're here.

8 DANIEL CHU: Our concerns with Intro. 611
9 broadly fall into two points. One is the use of the
10 100-year global warming potential instead of the 20-
11 year global warming potential as the scale, and the
12 reliance on carbon offsets and carbon mitigation to
13 account for net carbon emissions from City buildings.

14 The use of GWP100 is inconsistent with
15 the State's accounting for CO2 equivalents which use
16 the global warming potential of a 20-year scale. The
17 State's climate law uses the 20-year scale, and it
18 intentionally chose that because it is what all
19 science has said as being an accurate account for
20 methane emissions, which traps 85 times more heat
21 than carbon dioxide and only traps 25 times more heat
22 than carbon dioxide on a 100-year scale so we're
23 discounting methane emissions from natural gas and
24 other fuel sources significantly if we use the GWP100
25 scale as proposed by this bill, and it would only

1
2 make extreme weather events more frequent and our
3 summers hotter, which disproportionately harms the
4 environmental justice communities that we serve.

5 Given that most of the City's operations relies on
6 methane and methane gas, the 100 timeframe will
7 severely underestimate the impact that the City's
8 emissions have, especially from operations like
9 buildings and transparency. It could also extend the
10 City's dependency on these gases and undermine our
11 emission reduction goal, which I believe is 80 by
12 100. We strongly oppose any effort to undermine the
13 CLCPA which means that we would hope to see changes
14 for the language of this bill so that it allows with
15 the State climate law.

16 We're also very concerned about using
17 carbon offsets and carbon mitigation technologies. We
18 believe these are false solutions, and so far to date
19 there have been no academic studies proving that
20 carbon offset is actually working, and, in fact, most
21 of the carbon offset studies have shown that up to 90
22 percent of carbon offset reported globally to date
23 are useless essentially so using carbon offsets and
24 carbon mitigation technologies to account for our net
25 carbon emissions is very concerning for us and

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2 actually will not reduce a lot of the greenhouse gas
3 that we are "offsetting."

4 My full testimony has been written and
5 submitted to the Council and thank you for this
6 opportunity.

7 CHAIRPERSON GENNARO: Thank you. I was
8 going to ask to make sure that we have the full
9 record of your statement. You sent into the Council?

10 DANIEL CHU: Yeah, I believe I already
11 sent it.

12 CHAIRPERSON GENNARO: Okay. I'm glad that
13 that has happened and very appreciative that you all
14 were here and say hi to Eddie for me, okay.

15 Thank you. You bet.

16 Emily Walker, Uvvashi Rangan, I hope I'm
17 saying that right, Cristobal, yeah, there couldn't be
18 too many Cristobals here so I can't make out the last
19 name, and Joel Kupferman from Environmental Law and
20 Justice. We're going to take the witnesses in the
21 order that I called them. Who's Emily? Okay, from
22 Natural Areas Conservancy, right?

23 EMILY WALKER: Correct.

24 CHAIRPERSON GENNARO: Okay. Emily, the
25 floor is yours.

1
2 EMILY WALKER: My name is Emily Walker,
3 and I'm the Senior Manager of External Affairs of the
4 Natural Areas Conservancy. Thank you for the
5 opportunity to speak today about the 2023 PlaNYC
6 report.

7 Our comments today are limited to the
8 PlaNYC goals that relate to the management and care
9 of our City's natural areas. While PlaNYC seeks to
10 identify bold solutions, we want to note that there
11 are existing frameworks for caring for the 12,000
12 acres of natural areas under the jurisdiction of NYC
13 Parks, all of which remain underfunded. To put this
14 into perspective, natural areas comprise fully 1/3 of
15 our City Parks system, yet typically receive little
16 more than 0.7 percent of the NYC Parks expense budget
17 for management and care. We are proud to have co-
18 created management frameworks for forests, wetlands,
19 and trails with NYC Parks which each set a long-term
20 vision and a detailed roadmap for the care of this
21 critical public infrastructure. However, the City has
22 failed to fully invest in these plans. Our increasing
23 reliance on inconsistent and unassured levels of
24 single-year funding is making it impossible for our
25 colleagues at NYC Parks to effectively move these

1 complex multi-year projects forward. Funding this
2 work would have a tremendous impact in implementing
3 PlaNYC goals as they related to wetlands and forested
4 natural areas. We were thrilled that the release of
5 PlaNYC coincided with the Mayor baselining 2.4
6 million in the FY24 Executive Budget toward
7 connecting and formalizing over 300 miles of nature
8 trails in our parks. This support will improve access
9 to nature for many of New Yorkers, increase public
10 programming, and create new opportunities for
11 community and volunteer engagement across dozens of
12 parks. Unfortunately, we want to note that if the
13 FY23 funding for natural areas is not renewed for
14 FY24, the seasonal staff that are currently funded to
15 engage in forest restoration, maintenance, and
16 plantings will be terminated at the end of June, and
17 the work of managing forests across more than 35
18 parks will come to a halt. We believe this stands in
19 direct opposition to the City's sustainability goals
20 as outlined in PlaNYC.

22 Finally, as a proud member of the
23 Leadership Committee of the Forest for All NYC
24 Coalition, we were pleased to see the 30 percent
25 canopy goal for our urban forest uplifted in PlaNYC.

1
2 Earlier this week, we testified in favor of Intros
3 1065 and 1066 but remind the Council that urgent
4 protection of our existing canopy is needed.

5 I do want to note that 5 million of the
6 City's 7 million trees are in natural areas, and
7 these 5 million trees trap 70 percent of the City's
8 carbon, but we are not funding them.

9 With that, I would like to thank the
10 Council for letting me speak today, and I will finish
11 with that.

12 CHAIRPERSON GENNARO: Thank you, Emily.
13 It's a pleasure to have you speak. I want to enlist
14 your partnership when I push for my bill on invasive
15 species, and so we're going to come calling because
16 I'm sure this is something of interest to you and
17 people don't really get the whole impact of invasive
18 species, and I have a strong feeling that you and the
19 Natural Areas Conservancy would be great partners
20 with us on that so I'm going to direct Committee
21 Staff to keep them in the loop of what we're doing
22 regarding invasive species, and when we do the bill
23 and we're consulting with stakeholders, I'm talking
24 to Staff now, we're going to talk to Emily and this
25 organization. I'm giving this to you, Andrew. Don't

1
2 lose it. Okay. You have a copy? Okay. Thank you,
3 Emily. We're putting you to work. You showed up.

4 That's Emily. Looks like..

5 URVASHI RANGAN: Urvashi

6 CHAIRPERSON GENNARO: Okay, yes, and the
7 last name, Rangan?

8 URVASHI RANGAN: Rangan, yes.

9 CHAIRPERSON GENNARO: Okay. Pleasure.

10 Sorry, I didn't, you have a...

11 URVASHI RANGAN: It's long and
12 complicated.

13 CHAIRPERSON GENNARO: No, no. I think it's
14 my glasses.

15 URVASHI RANGAN: It's all good. Hi, my
16 name is Urvashi Rangan. I am a long-time resident and
17 homeowner of New York City. I'm a mom of two that go
18 to public school here in New York City. Lived here
19 for decades. I'm also an avid paddler in the Hudson
20 River, and I am also a toxicologist and environmental
21 health scientist. I was the former Director of Safety
22 and Sustainability for Consumer Reports for 17 years,
23 which is just up the river here in Yonkers, and I'm
24 here today to talk about Resolution 605 and thanking
25

1 the Chair for putting this bill through and the
2 importance of us actually passing this resolution.

3 I'd like to start by just saying some of
4 the arcane notions of toxicology, the dose makes the
5 poison for example, or where we lack proof of harm it
6 is therefore safe. These are complete misconceptions
7 that go on in toxicology and in the way we form
8 policies around toxics that we release into our
9 environment. Tridium is a radioactive agent. It is a
10 beta-emitter. While it is not as strong as say gamma
11 radiation, we know that it's all about where it is,
12 where it can emit its radiation in order to cause
13 toxicity. The problem with tridium is not just
14 whether it's going to penetrate people's bodies, but
15 people who are in the river, recreating in the river,
16 breathing on the river, ingesting or swimming in the
17 river, any type of other exposure where you might
18 have inhalation, ingestion, dermal exposure, these
19 are critical exposure pathways that need to be
20 assessed when it comes to the risks of tridium. I do
21 have a study from the Fukushima disaster that talks
22 about tridium specifically and the management of that
23 in the waterways. It's critical when we have an
24 unnecessary risk like this that we do not take this
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1
2 risk by adding to the public health risk. Passing
3 this resolution is really a vote for public health
4 rather than the faulty safety assumptions that Holtec
5 has used in order to push through this dumping of
6 tridium in the Hudson River.

7 CHAIRPERSON GENNARO: Thank you very much
8 for your compelling testimony, and that only makes us
9 more inspired to make sure that we do whatever we can
10 to get them to step up and not to step back as they
11 did as you well know.

12 URVASHI RANGAN: Absolutely.

13 CHAIRPERSON GENNARO: Thank you.
14 Cristobal.

15 CRISTOBAL VIVASH: Thank you, Chair, for
16 the opportunity to be here and for your support for
17 this bill.

18 CHAIRPERSON GENNARO: Please state your
19 name for the record.

20 CRISTOBAL VIVASH: My name is Cristobal
21 Vivash. I am from Mexico, and I have lived here for
22 20-something years. I love the nature of New York
23 City. My view of New York is very bucolic. It's all
24 about nature. I'm going to read because I'm a
25 terrible speaker.

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2 As New Yorkers, we are increasingly
3 recognizing that we are surrounded by a magnificent
4 natural waterway environment. During the pandemic, I
5 swam for the first time in the Hudson River. Since
6 then, I have become one of thousands who engage in
7 recreation activities in the Hudson, even
8 circumnavigating Manhattan on a paddle board with
9 Urvashi by the way. An incredible adventure made
10 possible in part by the tidal currents that flow in
11 both directions, something that would make the
12 radiation go up and down, up and down, very
13 dangerous.

14 CHAIRPERSON GENNARO: Yeah, there's some
15 currents in there that I wouldn't advise..

16 CRISTOBAL VIVASH: It's fun. I recommend
17 it for swimming, not for radiation.

18 While this extraordinary and beautiful
19 experience is something I want others to enjoy too,
20 unfortunately, and this is why I'm talking about
21 this, when I talk about this, when I share my
22 experience with most people they react in horror as
23 if I was telling them a terrible thing. What happens
24 is that they know the Hudson for being very polluted
25 from decades ago. It's no longer like this, and the

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2 reason for this is the protective legislation and the
3 incredible efforts by people like, well,
4 organizations like River Keeper that have made the
5 river so much cleaner right now. There is so much
6 more wildlife now in the river, whales, dolphins,
7 seals, Atlantic sturgeon which is making a
8 resurgence, it's an endangered species, and if Holtec
9 releases this it will set a terrible precedent to be
10 going back...

11 CHAIRPERSON GENNARO: We're certainly
12 doing everything we can to make sure that that
13 doesn't happen, and I go back with the Hudson, back
14 with the PCB issue, and we had the, this is, I don't
15 know, 30 years ago or whatever, when I was a Staff
16 Member here, no, it was about 25 years ago, and the
17 Chair of this Committee met with the Council Member
18 who was putting forward the PCB resolution, Gifford
19 Miller before he was speaker, and the Chair of this
20 Committee, Stan Michaels, and Jack Welch was Chair of
21 GE at the time and head of NBC, the network, I think
22 it's important that I put this on the record, and we
23 had a meeting with him and he essentially said look,
24 I'm not just the Chair of GE, I'm also the President
25 of NBC, and Gifford Miller, if you want to have a

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2 political career, just like you better watch it
3 because I run NBC, and it wasn't a veiled threat, it
4 was just like an overt threat, and then Welch and his
5 people left the room, and I didn't know how Gifford,
6 he was a young guy, his whole political future ahead
7 of him, and Stan, who was older, sort of at the end
8 of his career, he was the Chair but Gifford was the
9 guy who wanted to put this forward and so Welch and
10 his people left the room, and Stan Michaels, the
11 Chair, goes to Gifford and says what do you want to
12 do, and Gifford was just like I want to do this 10
13 times now, you know what I mean, it's just like for
14 him to come down here and to look at me and to wag
15 his finger at me and threaten me with what he's going
16 to do with my career in the media, the heck with him
17 and the horse he came in on, and so fearless, so I
18 always appreciated Gifford. I did then, I was a Staff
19 Member, I was only allowed to go to the meeting if I
20 wasn't going to say anything, I wasn't allowed to
21 talk, and Gifford came out swinging and we did that
22 and so like the rest is history, not a great history,
23 but that was nice to see people take a stand, and
24 we're going to take a stand on behalf of the issue
25 that you care about, and we'll do whatever we can

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2 from our little perch just like you're doing. I
3 wanted to put that on record that people should know
4 that people who pollute like this, who have a lot of
5 power, have no problem whatsoever just blatantly
6 threatening people that they have the ability to like
7 do things to them, and a lot of people will just
8 cave. He was a young guy. I don't even think Gifford
9 was 30 then, and here he is being threatened by the
10 Chair of GE and the President of NBC. He was like
11 this guy can go to hell.

12 URVASHI RANGAN: Mr. Chair, I think just
13 to emphasize that you're 100 percent correct when it
14 comes to these big corporations that are behind these
15 pollutants that are going in and they own multiple
16 entities, you are, in fact, correct, and I'll take it
17 even a further degree. When we did bisphenol A
18 advocacy work at Consumer Reports, it's the petroleum
19 industry and, to your point, media networks are owned
20 by the petroleum industry, NBC, and then people won't
21 even cover these issues because there are so many
22 conflicts of interest, and I'll just say I'm so
23 grateful for groups like Food and Water Watch and
24 River Keepers that are here that help organize the
25

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2 public in order to be able to bring this forward
3 because, if we didn't, nobody else would.

4 I just wanted to say one final thing..

5 CHAIRPERSON GENNARO: I'll give you a
6 little bit of latitude because (INAUDIBLE)

7 URVASHI RANGAN: Okay, thank you, I
8 appreciate it. I'll say one thing. It helps give you
9 all some precedence, but that exit sign, for example,
10 the kind of glow in the dark, uses things like
11 tridium to work with phosphor to make that glow in
12 the dark so when the electricity runs out and that
13 thing is glowing, it's because of tridium. When we
14 dispose of exit signs, the Environmental Protection
15 Agency has regulations around how you dispose of
16 that. You can't just throw it in a river. They are
17 protected right now so that tridium can't be released
18 from there, and, when we dispose of them, they must
19 be disposed of according to federal regulations. It
20 shouldn't be any different for a decommissioned
21 nuclear plant and a recreational waterway next to it.
22 You shouldn't be able to dump it in there.

23 CHAIRPERSON GENNARO: Thank you. I don't
24 know I'm going to walk under that thing now.

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2 CRISTOBAL VIVASH: As you know, we're
3 under threat, before August they can just dump it any
4 time they say, and yesterday we were paddling in the
5 river. We don't know when this is going to happen.

6 CHAIRPERSON GENNARO: The State did do
7 their bill, did they not?

8 CRISTOBAL VIVASH: Yes.

9 CHAIRPERSON GENNARO: So is that passed,
10 is it signed?

11 URVASHI RANGAN: It was 62 to 0 through
12 the Senate, but the Speaker didn't take it to the
13 floor so it didn't get a (INAUDIBLE)

14 CHAIRPERSON GENNARO: But certainly DEC,
15 which I was former Deputy Commissioner of, they have
16 regulatory authority here and they could, so what
17 have they done?

18 URVASHI RANGAN: I don't know if anyone in
19 this room has an answer to that, but that's a very
20 good question.

21 JOEL KUPFERMAN: They do have the power of
22 water certification, DEC has the power to stop this
23 (INAUDIBLE) regulations, and they're not...

24 CHAIRPERSON GENNARO: I'm going to just
25 make a note to the Staff of the Committee to follow

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2 up with what is the status of, because they had the
3 bill and then they watered it down and it passed one
4 house unanimously, the other house didn't take it up,
5 that leaves it presumably in the hands of the
6 appropriate regulatory agency, which would be the
7 State DEC, we should take a look at that and, if DEC
8 is not doing anything, we should, I used to work
9 there, I used to work for, the Commissioner who is
10 there now is the Commissioner I served as the Deputy
11 Commissioner, but I don't care, whatever, Andrew, if
12 you can find out what they're up to.

13 JOEL KUPFERMAN: They do have the power to
14 stop it.

15 CHAIRPERSON GENNARO: Pardon.

16 JOEL KUPFERMAN: Under the water
17 certification determination, they have the power to
18 stop...

19 CHAIRPERSON GENNARO: Yeah, I know we have
20 the power to regulate all kinds, I mean I wasn't on
21 the regulatory side of DEC, but being a Deputy
22 Commissioner I pretty much know what they do and so
23 I'm tasking Andrew with looking that up.

24 With that, that's a great entrée to your
25 testimony, Joel. Joel is a frequent flier of this

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2 Committee, and we look forward to your good
3 testimony.

4 JOEL KUPFERMAN: Thank you very much. I
5 seem to have the record of being the last speaker...

6 CHAIRPERSON GENNARO: No, we have more
7 witnesses.

8 JOEL KUPFERMAN: (INAUDIBLE) okay, sorry
9 about that.

10 I really commend the 640, the languages
11 in terms of air monitoring, it's really good, but it
12 doesn't go far enough. The way the City...

13 CHAIRPERSON GENNARO: You're talking about
14 Aviles' bill, right?

15 JOEL KUPFERMAN: Yes. The way it's working
16 is that by not having sufficient testing and
17 monitoring, this is a monitor that costs 300 dollars
18 that goes down to 0.1 parts per million. This is the
19 monitor that's in Esther Regelson's apartment, but
20 the City is relying on monitors on a grid, and you're
21 talking about six blocks or 10 blocks or 20 blocks.
22 All that data that we're talking about today is
23 giving an alibi to all the bad sites that are
24 generating harmful emissions that are out there.
25 We're asking for, and we authorized this before, is

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2 that the City place monitors around the site, around
3 the brownfield site, around a construction site or
4 excavation, to have enough data to make those people
5 stop. Right now, the way the City is set up with
6 their monitoring is offering an alibi. When people
7 like Esther are getting hit with that stuff that's
8 coming into their apartment, the Department of
9 Health, DEP did not test inside their places. They
10 rely on the monitors that are hired by the
11 contractors, and many, many times we find out they're
12 not even giving correct information, let alone enough
13 sufficient information.

14 CHAIRPERSON GENNARO: Here's what I want
15 you to do. You have the bill, right? You've got
16 Aviles' bill? Do you have it?

17 JOEL KUPFERMAN: I'm just saying that..

18 CHAIRPERSON GENNARO: No, no, no. Here's
19 what I want to do because you're a smart guy, and so
20 you should take the bill, and if you don't have the
21 bill the Staff can give you the bill, and mark it up
22 and say what you want the bill to say.

23 JOEL KUPFERMAN: Okay.

24 CHAIRPERSON GENNARO: I'm giving you a
25 homework assignment because..

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2 JOEL KUPFERMAN: I get it, but we
3 testified about this before.

4 CHAIRPERSON GENNARO: I understand that,
5 but I'm just saying something that would be helpful
6 when someone like yourself who has got a legal
7 background, has been doing this stuff for a
8 generation, to the extent that you can put language
9 in the bill that you think needs to be there to, in
10 your view, make the bill all it needs to be, we're
11 just asking you to do that if you want.

12 JOEL KUPFERMAN: I do, but I also want to
13 get on the record that part of the problem is that
14 when there's an exceedance, what happens is the City
15 comes in and gives a fine. It does not stop the bad
16 deleterious action from going on. The City is owed 2
17 billion dollars in uncollected fines so I think that
18 should also give you...

19 CHAIRPERSON GENNARO: Also feel free to
20 give any kind of, separate and apart from the bill,
21 any kind of regulatory enforcement or whatever
22 actions you think should be part, and that can be
23 feedstock into an oversight hearing that we may have
24 on the topic you're talking about right now, about
25 particulate matter from construction sites or

1
2 whatever. Who's to say we're not going to have an
3 oversight hearing on that? I may decide to do that,
4 and so to the extent that you give us that
5 information too, because the Staff here takes all
6 this stuff, and so we sit around like what's the next
7 hearing we're going to do and whatever, and it's like
8 well, we have this stuff on there's construction
9 going on all over the city and there's particulate
10 matter, it's either not being enforced or if it is
11 enforced they get a violation which no one ever
12 collects, this is the kind of thing that we like to
13 know so that we can be the spokesperson for people in
14 the community who are suffering but don't have the
15 ability like you on this panel to really crystalize
16 that in a way that can give us the feedstock to make
17 it into a hearing and have a robust discussion about
18 it.

19 JOEL KUPFERMAN: I also want to point out
20 that on her particular site, it was someone from DEP,
21 a DEP inspector inspected that site, issued a
22 violation because there was visual dust. We asked
23 that person if they knew that it was a New York State
24 DEC brownfield site; she did not know. The City is
25 sending in inspectors without even knowing what the

1 sites are. I just want to say something. I think it
2 requires your immediate attention, not for future
3 study, to ask how could the City, DEP, and this
4 Committee allow inspectors to go in without the right
5 protection and to inspect and not even knowing that
6 it's a brownfield site, it's a toxic site, so it's
7 not just the PM2.5, is the SVOCs and VOCs that are
8 going into her apartment and yet, when we called up
9 DEP, they actually admitted that all they could do is
10 issue a fine, they can't stop that work.

12 CHAIRPERSON GENNARO: Here's what we'll
13 do. I can guarantee you it was not a State brownfield
14 site. It was probably done under the City's
15 brownfield program, which I created, because 75 to 80
16 percent of the brownfield sites in New York City are
17 caused by fill or caused by contaminated fill, which
18 does not qualify one for the State brownfield
19 program.

20 JOEL KUPFERMAN: No, it's a State
21 brownfield site. I'll give you the number. Also, it's
22 three blocks from the World Trade Center.

23 CHAIRPERSON GENNARO: Okay.

24 JOEL KUPFERMAN: There's World Trade
25 Center dust, and I would like to say..

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CHAIRPERSON GENNARO: I don't want to have a debate. I just want you to provide us all the information.

JOEL KUPFERMAN: I just want to say the urgency is there, and I really take exception that it's just going to be pushed off. We have noxious dust affecting people on the World Trade Center area...

CHAIRPERSON GENNARO: Joel, I'm not the bad guy here. I'm not the bad guy here.

JOEL KUPFERMAN: (INAUDIBLE) is that nothing has stopped these people from doing it, but the City is offering an alibi by having these hearings and letting DEP tell you that they're working on it and they want to increase air monitoring. They're not telling us what's going into people's home next to it, and DEP can't even tell us if it's on a DEC site or not or even whether it's a City list or not, so there's a problem here. Wednesday, the City tells everyone the air is the worst in the whole country. We couldn't get them to stop construction and producing more dust that's going out.

CHAIRPERSON GENNARO: Joel, we got it. Staff has it. We'll work with the Administration.

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2 We're not the executive side of government. I'm not
3 going to debate this. You put your stuff on the
4 record. The Administration is here listening to every
5 word you say, and we'll try to move that forward,
6 particularly this is a State brownfield site but I'm
7 very involved in brownfield because I created the
8 City program, the only municipal brownfield program
9 of its kind in the country. With that, that's going
10 to be the last because we have to move on to the next
11 panel, but I love you.

12 JOEL KUPFERMAN: But they're using the
13 brownfield label as an excuse for continuing their
14 activity.

15 CHAIRPERSON GENNARO: Next panel.

16 COMMITTEE COUNSEL SWANSON: We have all of
17 these checkmarks for the people who are in-person.

18 CHAIRPERSON GENNARO: Okay. The first one
19 will be Daniel, right?

20 COMMITTEE COUNSEL SWANSON: Daniel Chu.

21 CHAIRPERSON GENNARO: Daniel Chu, New York
22 City Environmental Justice Alliance.

23 UNKNOWN: We already heard him.

24 CHAIRPERSON GENNARO: We heard him. Eunice
25 Ko.

1
2 UNKNOWN: Where are the slips because
3 we've been using those to keep track of who has
4 already gone.

5 COMMITTEE COUNSEL SWANSON: Okay. Here's
6 the thing, I don't have any more slips.

7 UNKNOWN: Don't have any more slips?

8 COMMITTEE COUNSEL SWANSON: No.

9 CHAIRPERSON GENNARO: Do we make witnesses
10 fill out slips anymore, like what are we doing? I
11 don't understand why we have this, we do our stuff
12 and we don't care who hears, you know what I mean,
13 we're just trying to figure this out. I have no
14 shame. I'm just trying to figure this out and so who
15 are we hearing from?

16 COMMITTEE COUNSEL SWANSON: Eunice Ko.

17 CHAIRPERSON GENNARO: Eunice Ko. Okay. Do
18 I have a slip for Eunice?

19 COMMITTEE COUNSEL SWANSON: There's a
20 slip.

21 CHAIRPERSON GENNARO: Okay.

22 COMMITTEE COUNSEL SWANSON: She filled out
23 a slip.

24 CHAIRPERSON GENNARO: I always like the
25 slip. We're very informal here.

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COMMITTEE COUNSEL SWANSON: I don't see it
though.

CHAIRPERSON GENNARO: Okay, but she's
sitting here, and why don't we take her good
testimony, and if you can try to organize the witness
slips, that'll be great.

Eunice.

EUNICE KO: Good afternoon, Chair Gennaro.
My name is Eunice Ko, and I'm the Deputy Director at
the New York City Environmental Justice Alliance.
Founded in 1991, NYEJA is a non-profit citywide
membership network linking 13 grassroots organizations
from low-income neighborhoods and communities of
color across all the five boroughs in their struggle
for environmental justice. 76 percent of people
living in our member's neighborhoods are BIPOC. This
week, the City is recovering from orange skies, red
moons, and choking smoke from the raging Canadian
wildfires. With no timely notice and sufficient
communications in planning from the City, people
noticed they were having trouble breathing, getting
headaches, and having other respiratory issues. New
York City residents were, again, largely left on
their own and, of course, those most vulnerable like

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2 the unhoused and essential workers suffered the most
3 consequences. A few months ago, an extreme rain event
4 left the BQE closed and flooded along with some buses
5 and roadways. We're now heading into the summer, one
6 where experts warn could be the hottest for many,
7 when heatwaves disproportionately kill black and
8 brown New Yorkers and will triple and potentially
9 quadruple by the 2050s according to the NPCC. Each
10 summer, an estimated 370 New Yorkers die prematurely
11 because of hot weather in New York City, and we can
12 only expect this to increase. The climate change is
13 here, and we have the New York City Chief Climate
14 Officer going around saying that the City won't be
15 able to protect and prepare all New Yorkers, as if we
16 should all just accept the fact that it's okay for
17 some people to die from poor planning and government
18 negligence, which reads that the most vulnerable,
19 low-income communities and communities of color will
20 be left to fend for themselves as always as our city
21 gets hotter and wetter. The sustainability plan is
22 called PlaNYC: Getting Sustainability Done, a riff
23 off Mayor Adams' favorite phrase, getting stuff done.
24 Now, there are usually three critical pieces needed
25

1
2 to get something done well, a budget, outcomes, and a
3 timetable with milestones and targets.

4 On the budget, PlaNYC highlighted a lot
5 of commitments that require state and federal funding
6 to get done. While the City should absolutely be
7 making full use of unprecedented federal and state
8 funding, it cannot solely rely on this once-in-a-
9 lifetime funding opportunity to sustain the massive
10 climate and environmental changes and upgrades the
11 City needs to make to make our infrastructure,
12 assets, and neighborhoods climate ready. The City
13 needs to leverage its money for sustained action, be
14 more self-sufficient, and find new funding streams
15 for projects, policies, and programs that are going
16 to make our City more sustainable and resilient,
17 prioritizing that investment in EJ communities. There
18 are few things in PlaNYC that were funded by the City
19 such as Climate Strong Communities, but it's not
20 enough. For some other initiatives, there was no
21 identified funding, which raises again the question
22 of how we're getting this done. Local Law 97, on City
23 buildings, we saw only two DOE facilities and five
24 DSNY garages in the 10-year capital budget strategy.
25 Is that it?

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2 On outcomes, there are a lot of short-
3 term benefits and goals focused on outputs, but not
4 associated outcomes and long-term goals that the City
5 could evaluate and measure progress against. While
6 there was mention of prioritizing EJ communities, it
7 was unclear how, when, and which communities would be
8 prioritized and what the expected outcomes for these
9 communities would be. The plan didn't connect or
10 state the amount of risk reduction associated with
11 any of the actions or identify the level of scaling
12 of the pilot programs they mentioned that are needed
13 to meet the increasing climate risk.

14 On timetable, there was no clear timeline
15 with interim milestones for a lot of these short-term
16 actions. For example, 30 percent citywide street
17 canopy commitment but by when? When you're cutting
18 agency budgets and breaking 1 percent budget promises
19 to the Parks Department, this goal feels absolutely
20 meaningless. More importantly, there was no vision
21 tying together these short-term actions and outputs
22 and no indication of where we're headed as a City.
23 I'm almost done.

24 There are a lot of other things in this
25 plan that lead me to believe this Administration is

1 not serious about addressing climate change. The
2 plan's reliance on technology for climate solutions
3 and the goal to maximize biogas production through
4 public/private partnership leaves the door open for
5 false solutions and the continued use of fossil fuel
6 infrastructure. Technology solutions such as carbon
7 capture and anaerobic digestion produce more
8 greenhouse gas emissions, particularly methane in the
9 case of anaerobic digestion, which my colleague
10 mentioned burns and has eight times the warming
11 effect and damaging effects of carbon dioxide.
12 Expansion of anaerobic digestion development at
13 wastewater resource recovery facilities to generate
14 so-called renewable natural gas is a concerning
15 direction that harms EJ communities nearby by
16 perpetuating greenhouse gas and co-pollutant
17 emissions that cause increased asthma rates and other
18 cardiovascular disease. These communities are also
19 going to witness increased truck traffic for material
20 transport and increased energy bills, despite
21 utilities piping free natural gas generated by these
22 WRFs. It's extremely concerning there was no mention
23 of Renewable Rikers in this plan, how it fits in the
24 larger vision for restorative justice and resilient
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1
2 renewable energy in the city given the City is
3 supposedly undertaking the feasibility study as
4 required by the Renewable Rikers Act.

5 Lastly, the plan doesn't address issues
6 related to climate the significant impact EJ
7 communities' related issues such as affordable
8 housing and displacement. The level of ambition in
9 this plan isn't commiserate with the scale of the
10 crisis at hand. The things that..

11 CHAIRPERSON GENNARO: I have to ask you
12 sum up.

13 EUNICE KO: I will. The things that are
14 couched as ambitious are largely things we could do
15 today if we had the commitment and political will.
16 The City can't put New Yorkers in a position to
17 respond and adapt to climate change on their own
18 because this means the most vulnerable will suffer
19 the most. This is about leadership and not about
20 educating people about flood insurance and a
21 backwater valve pilot program. All these things are
22 good. We need to see City leadership, and that is
23 what we're lacking. Thank you.

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CHAIRPERSON GENNARO: Thank you. Is the Environmental Justice Alliance part of the PlaNYC Advisory Board?

EUNICE KO: No, we were not asked to participate.

CHAIRPERSON GENNARO: So who from the EJ community is on it?

EUNICE KO: I think there are some people (INAUDIBLE) WE ACT, I'm not exactly sure what that advisory board, the composition as of late.

CHAIRPERSON GENNARO: Okay, but you folks are not part of it? Interesting.

EUNICE KO: That's correct.

CHAIRPERSON GENNARO: Okay. Thank you for putting all of this good testimony on the record. We appreciate you being here.

EUNICE KO: Thank you.

CHAIRPERSON GENNARO: Say hi to Eddie.

EUNICE KO: I will. Thank you.

CHAIRPERSON GENNARO: You bet. Okay. People kill me with this handwriting, you kill me. Alex from Food and Water Watch, last name begins with a B.

UNKNOWN: (INAUDIBLE)

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CHAIRPERSON GENNARO: What's that? Oh,
okay. What's your last name? Talk in the mic. You
have to turn the mic on, the light.

ALEX BEAUCHAMP: Sorry. It's Beauchamp.

CHAIRPERSON GENNARO: Okay, there you go.

ALEX BEAUCHAMP: It looks like Beauchamp.

CHAIRPERSON GENNARO: Okay, great. Food
and Water Watch. Go get them.

ALEX BEAUCHAMP: I'll be brief because a
lot of folks have already spoken in favor of this
resolution, but we're here, I'm Alex Beauchamp with
Food and Water Watch, we're here to support
Resolution 605 to stop the dumping of radioactive
waste in the Hudson River. This is an urgent threat.
Holtec is the company that owns the decommissioning.
They're trying to do this this August.

CHAIRPERSON GENNARO: Well aware.

ALEX BEAUCHAMP: We need to get it done,
right. I won't bore you with those details. I think I
might be able to be somewhat helpful, there was some
back and forth about the status of the bill at the
State level so..

CHAIRPERSON GENNARO: Yeah, help us out.

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2 ALEX BEAUCHAMP: We've been working this
3 pretty hard. The Senate passed it 62-0 as I think
4 Urvashi mentioned earlier. The Assembly failed to
5 take it up. They're back next week though. They're
6 there Tuesday, Wednesday...

7 CHAIRPERSON GENNARO: Right, right.

8 ALEX BEAUCHAMP: As an odd special session
9 that I think is frankly about the Assembly running
10 out of time. There's not really that much
11 controversial stuff on the agenda. What is on the
12 agenda though is this bill. I think it's not done,
13 we're going to fight to pass it next week, but
14 presuming that that is a good sign, it's very much in
15 play that we could get it done. If we do get it done,
16 it is not at all clear what Governor Hochul will do,
17 right, so all that to say the resolution here is
18 really timely because hopefully we get it done and if
19 we do get it done...

20 CHAIRPERSON GENNARO: I'm going to kind of
21 go back and forth for a little bit.

22 ALEX BEAUCHAMP: Sure, yea.

23 CHAIRPERSON GENNARO: Don't worry about
24 the time. I can do what I want. This is not going to
25 get passed by the Council, like we've got our last

1
2 Stated Meeting of the summer, I mean the last Stated
3 Meeting before the summer, well we have one Stated
4 Meeting in July, but it has to be done so, is Naby
5 here, Naby is here, right, so I want you to work with
6 Alex once he steps down and we should do a statement,
7 like I, as Chair of this Committee, should do a
8 statement calling upon, the Assembly hasn't taken it
9 up, right?

10 ALEX BEAUCHAMP: Right.

11 CHAIRPERSON GENNARO: And they're coming
12 back next week so...

13 ALEX BEAUCHAMP: They're coming back next
14 week, and it's on the agenda. (INAUDIBLE)

15 CHAIRPERSON GENNARO: Right, okay, so it
16 was on the agenda. Does that mean like in Albany
17 parlance that it's going to go to the floor or that
18 it's just like it's under consideration?

19 ALEX BEAUCHAMP: Yeah, I mean they can do
20 whatever they want, but it's them saying these are
21 the bills we think are going to come to the floor,
22 and, particularly at a special session, I'd be
23 surprised if it doesn't come up I guess...

24 CHAIRPERSON GENNARO: Okay.

25

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2 ALEX BEAUCHAMP: But they don't have to,
3 right, there's nothing binding. They could decide to
4 lay it aside.

5 CHAIRPERSON GENNARO: Okay, so we should
6 do a statement calling for them to pass it similar to
7 the other house of the legislature and for Governor
8 Hochul to sign it, and so, question. Even though this
9 is a watered-down version and just applies to the
10 decommissioning, will this take care of business at
11 least for that?

12 ALEX BEAUCHAMP: (INAUDIBLE) yeah.

13 CHAIRPERSON GENNARO: Decommissioning, so
14 it's narrowly focused, but it will do what needs to
15 be done for the purposes of that site?

16 ALEX BEAUCHAMP: Yeah, the amendments were
17 meant, and we didn't push for the amendments, but the
18 amendments were meant to narrow it to just Indian
19 Point, and there's concerns with that, of course, but
20 we do also need to stop that so I think you could do
21 both things. You could do that in the short-term and
22 try to address...

23 CHAIRPERSON GENNARO: Yeah, I think we
24 want to get something a little more broad going
25 forward about radiologic discharge and have a State

1
2 policy for that and have that be in law. Naby, we
3 should do that. I'll do a statement, maybe I'll do a
4 sign-on letter with Members of the Committee calling
5 upon the Assembly to do the right thing, calling upon
6 the Governor to sign it, and that's what we'll do.

7 ALEX BEAUCHAMP: Great. It would be
8 enormously helpful, and the resolution will matter
9 even if it's after the bill passes because, as I
10 mentioned, we're really worried about the Governor.
11 It's going to be very hard..

12 CHAIRPERSON GENNARO: The resolution is
13 going to be important just because we want the
14 broader bill..

15 ALEX BEAUCHAMP: Right.

16 CHAIRPERSON GENNARO: We want a statewide
17 policy regarding the discharge of radiologic
18 elements, but we can get at it this way.

19 Anything else?

20 ALEX BEAUCHAMP: No. Thank you so much.

21 CHAIRPERSON GENNARO: Okay. Thank you,
22 Alex. Always a pleasure to host people from Food and
23 Water Watch.

24 There you go. Democracy.

25 UNKNOWN: (INAUDIBLE)

CHAIRPERSON GENNARO: You're out of order,
but I mean, the Sergeant has to do his job. We can't
have people approaching the, it's like a Council rule
thing, but I can talk to you afterwards, I'll talk to
you afterwards if you're going to be here.

UNKNOWN: (INAUDIBLE)

CHAIRPERSON GENNARO: You should talk to
Naby, my Legislative Director, and she can talk to
you right now. She can come right over to you and
talk to you.

Next witness. We're doing business here.
We're knocking it out. What do we have here?

COMMITTEE COUNSEL SWANSON: Is Emily
Walker here?

SERGEANT-AT-ARMS: Nobody in person.

COMMITTEE COUNSEL SWANSON: Okay.

CHAIRPERSON GENNARO: Nobody else in
person.

COMMITTEE COUNSEL SWANSON: All right.

CHAIRPERSON GENNARO: Do we have anybody
else online? Do we have people online?

COMMITTEE COUNSEL SWANSON: We have people
on Zoom, yes.

CHAIRPERSON GENNARO: Okay.

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ANDREW BOURNE: We have people online.

CHAIRPERSON GENNARO: All right, so how do we do that?

ANDREW BOURNE: The first person online with their hand raised is Carol Chervin, is that right?

So no one has their hand raised.

COMMITTEE COUNSEL SWANSON: Who are we going to call?

ANDREW BOURNE: (INAUDIBLE) so there's no online.

CHAIRPERSON GENNARO: So there is no online (INAUDIBLE)

COMMITTEE COUNSEL SWANSON: (INAUDIBLE) no online questions?

CHAIRPERSON GENNARO: People were observing the hearing and they wanted to tune it and observe it and hear what was going on, but, if they don't have their hands raised..

COMMITTEE COUNSEL SWANSON: Okay.

CHAIRPERSON GENNARO: Then there you have it.

Let me make one last sweep to make sure there are no hands raised.

1
2 ANDREW BOURNE: There are hands raised
3 online. Ricky is saying you can go in any order you
4 want, and I have the names of the people here who
5 want to ask questions.

6 CHAIRPERSON GENNARO: All right, so why
7 don't you just sit down and call out their names?
8 Well, they're not going to ask questions; they're
9 going to testify.

10 ANDREW BOURNE: Yes, sorry.

11 COMMITTEE COUNSEL SWANSON: Right.

12 CHAIRPERSON GENNARO: All right.

13 ANDREW BOURNE: My mistake. The first
14 witness is Carol Chervin.

15 SERGEANT-AT-ARMS: Your time starts now.

16 CAROL CHERVIN: Hello. My name is Carol
17 Chervin. Can you hear me?

18 CHAIRPERSON GENNARO: Yes, we can hear
19 you.

20 CAROL CHERVIN: Okay, great. My name is
21 Carol Chervin. I'm a resident of 520 West 110th
22 Street in Manhattan, and I thank you, Chairman
23 Gennaro and the rest of the Committee, for this
24 opportunity to talk about the ambulance sirens in
25

1 support of the bills by Councilwoman River and
2 Councilwoman Brewer. Those are 0286-2022 and...

3
4 CHAIRPERSON GENNARO: Yeah, we know the
5 bills.

6 CAROL CHERVIN: 0960-2023. Okay, great. I
7 am very much in support as is a community of
8 concerned citizens that I belong to with the name
9 Sireny (phonetic), that's Sireny, concerned about
10 the ambulance noise, the ear-shattering decibel level
11 that has disrupted our city, our general welfare, our
12 health, and our community. When did this become a
13 problem? Why is it such a problem now? Well, many of
14 us have noticed that the decibel level of the sirens
15 increased slightly before the COVID pandemic. This is
16 not something that was brought on only by the
17 pandemic. This was before the pandemic. There seems
18 to have been an uptick in the decibel level. We
19 understand that the decibel level of the sirens is
20 now 120. That is an outrageously high and damaging
21 level for human ears. This is particularly damaging
22 to babies and small children, but many of us can put
23 our fingers in our ears and block out the noise as
24 annoying as that is. Not everyone can do that.
25 Seniors who are wearing hearing aids cannot do that.

1
2 Babies cannot do that. Bicycle riders who have their
3 hands obviously occupied cannot do that.

4 SERGEANT-AT-ARMS: Your time is expired.

5 CAROL CHERVIN: So this isn't a matter of,
6 wow, that was...

7 CHAIRPERSON GENNARO: Please finish your
8 thought.

9 CAROL CHERVIN: Okay. I want to point out
10 that all fingers seem to be pointed towards the FDNY
11 as being in control of this, and FDNY in turn points
12 its fingers at some federal guidelines which are by
13 no means binding on them so I encourage this
14 Committee and the sponsors to bring in the FDNY and
15 ask them to answer the question which we have been
16 unable to get them to answer which is exactly what is
17 their citation to binding authority on why the
18 decibel level of sirens has to be 120, which is well
19 beyond what human ears can tolerate.

20 CHAIRPERSON GENNARO: Thank you for your
21 good testimony. I can assure you that the two bill
22 sponsors are adamant that this matter be fully
23 explored, and I know that the Council leadership is
24 very interested in these bills as well so you have
25 the attention of this Committee, the sponsors, and of

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the Speaker's office of the Council so I would expect
a good outcome, but thank you very much for your good
testimony and giving your points of view on this.
Thank you.

CAROL CHERVIN: Thank you.

ANDREW BOURNE: The next witness is David
Wallach.

SERGEANT-AT-ARMS: Your time has begun.

DAVID WALLACH: Hello. My name is David
Wallach. I'm a resident of Midtown so, as you can
imagine, I hear quite a lot of sirens on a daily
basis. I wanted to voice my support for these bills
that go towards reducing the overall amount of sire
noise. When I moved here, I heard some people say
that moving to the city you get used to sirens, but
after being here for six years I think that those
people just have hearing damage. The current
emergency vehicles are allowed to use sirens with a
volume of 120 decibels as some other people have
testified, and this is loud enough to cause physical
pain. Just last week, the New York Times published an
article discussing the long-term health effects of
increased ambient noise, and a study of more than 4
million people for over a decade showed that starting

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2 at just 35 decibels the risk of dying from
3 cardiovascular disease increased by 2.9 percent for
4 every decibel increase so with a siren at 120
5 decibels, that's a 25 percent increase in risk of
6 death from these factors. Current siren sounds may
7 have an even greater effect due to the high-pitched
8 nature of the noise, which human ears are more
9 sensitive to. I think that these bills could do a lot
10 to reduce the overall noise burden on the people of
11 New York City, and especially we should be looking
12 into alternative methods for alerting vehicles
13 because I think even at the current decibels we can
14 all see that the sirens don't do much to actually get
15 cars to move out of the way. Cars usually will not
16 move until the ambulance is directly behind them so I
17 don't think it's necessary for pedestrians to be able
18 to hear it from five blocks away. Thank you for your
19 time.

20 CHAIRPERSON GENNARO: Thank you very much
21 and thank you for being brief. We have many witnesses
22 to get to. I appreciate your insights.

23 ANDREW BOURNE: The next witness is
24 Dietmar Detering.

25 SERGEANT-AT-ARMS: Your time has begun.

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DIETMAR DETERING: Thank you. Chair Gennaro, Committee Members, my name is Dietmar Detering from Sunnyside Queens. I live in Julie Won's District. Thank you for taking the time to finetune the City's successful vehicle idling citizen complaint program.

I'm a member of the DEP Citizen Air Complaints Working Group. The DEP told us perhaps a year ago that over 6,000 citizens registered to participate in the program, but how many are actually effectively participating in it as opposed to quickly turning away in frustration. I encourage you to find out from DEP as the program appears to be a program largely limited to a highly educated group of activists featuring many JDs, MDs, and PhDs. Why is that? It is because of the many (INAUDIBLE) sources of frustration. It is the many rules, the frequent changes to those rules, the many deviations of those rules from the letter of the law, the difficulty to figure out all the data for your complaint to be accepted, if you get the video just right, and all the other expert tasks left to the complainant, and did I mention the special challenge of actually collecting the award from OATH. All this can become a

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2 routine to experts, but, to others, this amounts to
3 giant barriers to entry. I don't think that this is
4 what the City Council had in mind six years ago when
5 discussing this program. Intro. 898 will fix one of
6 these barriers, and I strongly support it. However,
7 that still leaves many more barriers. You have it in
8 your hands to hold the DEP accountable to turn the
9 program into and maintain it as a Citizen Air
10 Complaint Program.

11 I'm also Chair of Nuclear New York, a
12 pro-nuclear environmental advocacy group. Please
13 allow me to express my opposition to Resolution 605.
14 David Lochbaum, member of the Indian Point
15 Decommissioning Oversight Board, the nuclear engineer
16 and former director of the Nuclear Safety Project for
17 the Union of Concerned Scientists, recommends the
18 discharge into the river as the best option for what
19 to do with the tridium water on-site. (INAUDIBLE)

20 SERGEANT-AT-ARMS: Your time has expired.

21 DIETMAR DETERING: Storage on-site for
22 years to become as she wants her village to move on
23 after the traumatic closure of Indian Point. The
24 federal EPA and the NRC see no scientific reason to
25 oppose the discharge the tridium water nor do State

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2 agencies such as the Department of Environmental
3 Conservation and the Department of Health. Similar
4 discharges have been done and are being done all over
5 the world with no adverse effects on humans or the
6 environment. We are looking at 1/25th of a gram of
7 tridium at Indian Point. The toxicity of this amount
8 can be compared to...

9 CHAIRPERSON GENNARO: We need you to
10 conclude. I have many, many witnesses, and your
11 opposition to Resolution 605 is duly noted. Thank
12 you.

13 DIETMAR DETERING: All right.

14 CHAIRPERSON GENNARO: Thank you. Next
15 witness, please.

16 ANDREW BOURNE: The next witness is Drew
17 Gamils.

18 SERGEANT-AT-ARMS: Your time has begun.

19 DREW GAMILS: Good afternoon. My name is
20 Drew Gamils. I am a Staff Attorney at Riverkeeper.
21 I'd like to thank Chairperson Gennaro and Members of
22 this Committee for the opportunity to testify on the
23 City's sustainability plan.

24 We are happy to see that PlaNYC includes
25 meaningful commitments to actions on climate

1
2 resilience. However, we believe PlaNYC has omitted
3 several important resiliency improvements and
4 actions. Today, I'd like to specifically highlight
5 three areas of concern, but my full testimony was
6 submitted to the Council.

7 First, PlaNYC fails to set forth adequate
8 recommendations to help fund the maintenance of the
9 City's green infrastructure assets. We echo and
10 support the message of our environmental justice
11 partners that funding is an essential element to get
12 things done, especially with respect to the City's
13 green infrastructure program. It is clear that the
14 maintenance of green infrastructure in perpetuity is
15 essential, and funding is needed to get that done.

16 Our second major concern is that PlaNYC
17 calls for the City to continue to work with the Army
18 Corps for the New York and New Jersey Harbor and
19 Tributaries Feasibility Study, or HATS, but it fails
20 to set forth meaningful mechanisms by which to do so.
21 The Army Corps' next steps could be the finalization
22 of the EIS with an agency decision milestone, or ADM.
23 We recently became aware that it's anticipated that
24 the Army Corps will issue its ADM next month so in
25 July. In this case, such a decision will lock in the

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2 proposed storm surge gates and miles of massive
3 concrete shoreline structures. We hope the Council
4 Members will join Riverkeeper in urging the
5 Administration to push the Army Corps to develop a
6 supplemental EIS to appropriately account for all
7 sources of flooding, incorporate local sea level rise
8 projections, and address potential natural and
9 nature-based feature alternatives while using a more
10 holistic cost benefit analysis.

11 Lastly, Riverkeeper applauds the
12 Administration for setting a goal to eliminate the
13 discharge of untreated sewage into the New York
14 Harbor by 2060. However, Riverkeeper is very
15 concerned that Renewable Rikers is not mentioned in
16 PlaNYC as a key project towards this goal. We don't
17 believe that this...

18 SERGEANT-AT-ARMS: Your time has expired.

19 DREW GAMILS: This project. In conclusion,
20 we hope the Council works with the Administration to
21 ensure that these key issues are included in the
22 City's resiliency and sustainability planning moving
23 forward.

1
2 Also, because I'm here as a Riverkeeper
3 attorney, I do want to voice my support for
4 Resolution 605.

5 CHAIRPERSON GENNARO: Thank you very much
6 for your statement and always happy to work with
7 Riverkeeper. Appreciate you being here today. Thank
8 you.

9 ANDREW BOURNE: The next witness is George
10 Pakenham.

11 SERGEANT-AT-ARMS: Starting time.

12 GEORGE PAKENHAM: Chairman Gennaro, thank
13 you for the time. I hope to keep it to two minutes,
14 and this is in regard to Intro. 898 under Council
15 Member Julie Menin and the idling bill.

16 I was told by my colleagues I should
17 provide a brief history of the idling law in that
18 because fighting for cleaner air in New York City is
19 not just a recent concern, it's historic, and here it
20 goes.

21 In 1971, the first anti-idling law was
22 passed, but the law was basically unenforced by NYPD.
23 In 2006, I saw the problem and began making a
24 documentary film on the sheer nonsense of idling
25 engines in New York City. It was such a waste and an

1
2 important cause of air pollution. The gist of the
3 film, I began a deliberate campaign to fine idling
4 drivers, trucks, buses, and cars, rapping on windows,
5 asking if the drivers knew about the law from 1971,
6 and asking them to shut their engine off. I found
7 myself 80 percent successful. In 2009, Mayor
8 Bloomberg signed into law making idling illegal for
9 more than one minute in a school zone. We found this
10 as big process. In May 2009, the New Yorker magazine
11 caught wind of what I was doing in my research, and
12 the great writer, Ben McGrath, wrote a story in the
13 New Yorker. The story got published worldwide. NYC
14 was now on the map as a city aware of the ill effects
15 of engine idling. In 2012, I finished a documentary
16 film called Idle Threat: Man on a Mission, and I
17 showed this film to key representatives of City
18 Council. I was directed towards Helen Rosenthal's
19 office, who was then CM, to write a bill whereby
20 citizens would be compensated for enforcing the law
21 that NYPD ignores. Four years later, Bill 717-A was
22 enacted. 45 percent of a 350-dollar fine would be
23 paid to participants. Again, huge media...

24 SERGEANT-AT-ARMS: Your time has expired.

25 GEORGE PAKENHAM: I'll wrap it up.

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CHAIRPERSON GENNARO: Yeah. This is all good history and is well-known, but we're in the present and we're moving forward, and I get the sense that you're a supporter of the anti-idling legislation before the Council today. Is that a fair statement?

GEORGE PAKENHAM: Yes. Supportive of the bill in general, but it needs to be tweaked, and my three other colleagues will speak to those tweaks. Thank you, Chairman Gennaro.

CHAIRPERSON GENNARO: Great. Thank you very much. Appreciate all the work you've done over the decades on this issue. Appreciate it.

GEORGE PAKENHAM: Thank you, sir.

CHAIRPERSON GENNARO: You bet.

ANDREW BOURNE: The next witness is Kathy Legg.

SERGEANT-AT-ARMS: Starting time.

KATHY LEGG: Hi. I want to second the comments of the other people who live in Midtown. I live in Murray Hill, and I cannot remember a time when noise has been, particularly sirens, as bad as its been in the last 5 to 10 years, and I'm really

1
2 not sure what accounts for that, but I strongly
3 support the two bills that were presented on that.

4 One thing that I'd like to note is that
5 it's very inexplicable as to why the sirens race down
6 Lexington Avenue at 3 a.m. with sirens full-tilt when
7 there's no traffic. There's absolutely no cars at 3
8 a.m. so that's very maddening. We also have a big
9 problem with the Midtown Tunnel entrance and traffic
10 backed up Fridays, Saturdays, and Sundays all the way
11 back to 5th Avenue. There are never traffic agents on
12 the weekends. People sit on their horns as long as
13 they can. We used to have signs that said no honking,
14 but, of course, these days that's not going to
15 convince anybody.

16 One thing I'd like to mention is I know
17 the State passed a statute about sound cameras. I'd
18 like to see those if possible many places but
19 particularly in this neighborhood where we're faced
20 with bumper-to-bumper traffic, particularly as I said
21 it's not just weekdays, on the weekends when we would
22 hope for a little break.

23 Again, I want to thank you for the
24 opportunity to say a few words, and I very strongly
25

1 support the two bills having to do with reducing the
2 sound (INAUDIBLE)

3
4 CHAIRPERSON GENNARO: Thank you very much
5 for your testimony and your input. We certainly do
6 expect good things from these bills. I hope that
7 helps your situation.

8 KATHY LEGG: And sound cameras.

9 CHAIRPERSON GENNARO: Thank you.

10 ANDREW BOURNE: The next witness is
11 Brashant (phonetic) George.

12 SERGEANT-AT-ARMS: Starting time.

13 ANDREW BOURNE: The next witness is Dr.
14 Richard Gold.

15 SERGEANT-AT-ARMS: Starting time.

16 RICHARD GOLD: Hello. Can you hear me?

17 ANDREW BOURNE: Yes, we can.

18 CHAIRPERSON GENNARO: Yes, we can.

19 RICHARD GOLD: Thank you, Chairman
20 Gennaro, for the opportunity to say something here.

21 My statement is the noise generated by
22 ambulance sirens necessary for the EMS and others to
23 do their jobs? Over the last two to three decades
24 this question has been studied. Do the lights and
25 sirens make any significant difference in patient

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2 management and outcome? In a few studies, the delay
3 in arrival time at a hospital without sirens was
4 about 42 seconds to 3.8 minutes compared with the use
5 of sirens. However, there were no clinically
6 significant differences in patient management or
7 outcomes. Heart attacks and strokes do need speed.
8 That is why the use of sirens should be determined by
9 the patient and their condition. In Pennsylvania, a
10 medical protocol was formulated by physicians and
11 carried in each ambulance to determine who got the
12 sirens and who did not. 92 percent of patients were
13 then transported without sirens, and no adverse
14 outcomes were identified. It should also be noted
15 that noise-induced hearing loss is the biggest public
16 health threat most people don't know about. In the
17 1980s, there were 12,000 collisions involving EMS
18 vehicles. Now, with quieter car cabins and so much
19 audio distraction in the cabin, the sirens are
20 getting more difficult to hear. Depending on
21 ambulance speeds, this can reduce reaction time of
22 the civilian cars and ambulances to four to seven
23 seconds, which is too fast for evasive action by
24 either driver. I asked Commissioner of the First
25 Deputy, Laura Kavanagh, if she would be willing to

1
2 establish a pilot project in one part of the city to
3 test the evidence mentioned above. I never received a
4 response to two separate letters. At the very least,
5 NYC could switch out the current screaming sirens
6 which has been mentioned of all ambulance services
7 operating here, private and otherwise, and substitute
8 the NYPD sirens which...

9 SERGEANT-AT-ARMS: Your time has expired.

10 RICHARD GOLD: And are certainly much
11 quieter but still get the job done. I hope to see
12 something positive happening in the very near future.
13 Thank you.

14 CHAIRPERSON GENNARO: Thank you, and I can
15 assure you that the leadership of the Council, not
16 just this Committee and the sponsors, are most
17 interested in these bills. Thank you, again, for your
18 testimony today. Appreciate that.

19 ANDREW BOURNE: The next witness is
20 Wanfang Wu.

21 SERGEANT-AT-ARMS: Starting time.

22 WANFANG WU: Hi. Thank you for giving me
23 the chance to speak. My name is Wanfang Wu, and I
24 support Intro. 898 to translate the Citizen Air
25 Complaint Program.

1
2 I live in Manhattan Chinatown where many
3 of my Chinese aunties and uncles I meet aren't fluent
4 in English. For example, when they share with me a
5 restaurant pick, they say something like 98th Mott
6 Street because not everyone can read the signage of
7 the store or restaurant. Now, currently, it's a
8 challenge participating in the citizen complaint
9 program for non-English speakers. While how to use
10 the submission portal is translated, and I thank the
11 DEP for their initiative in doing that, the full
12 steps of best practices, over 2,000 words of
13 instructions, to my knowledge remain untranslated.
14 Requiring that this gets translated will go a long
15 way in allowing more equitable access and increase
16 participation for the program, but why else does this
17 matter. Reducing premature deaths caused by
18 substandard air quality is really important. Lower
19 Manhattan does not currently meet the EPA's new air
20 quality standards. The EPA this year is proposing a
21 maximum threshold for yearly levels of PM2.5 to be 10
22 micrograms per meter cubed to reflect the latest
23 research. Lower Manhattan is at more than 11.2
24 micrograms per meter cubed per the New York City
25 Community Air Survey 2020 report. Additionally, the

1
2 City does not meet the WHO's tougher air quality
3 standards where their annual safe target is 5
4 micrograms per meter cubed for PM2.5 while across the
5 city on average that yearly value is 8.3.

6 To conclude, eliminating air pollution
7 caused by needless vehicular idling will help us
8 narrow that gap and save lives. I support this bill
9 because it will make this participation easier and
10 help us get to that endpoint of no more needless
11 idling sooner.

12 My written testimony has the sources, and
13 I thank the Committee Members for their time.

14 CHAIRPERSON GENNARO: Thank you so much
15 for your compelling testimony and following it up
16 with submitting the full text of it to the Committee.
17 Appreciate it.

18 ANDREW BOURNE: The next witness is Eric
19 Eisenberg.

20 SERGEANT-AT-ARMS: Starting time.

21 ERIC EISENBERG: Hi. My name is Eric
22 Eisenberg. I'm a local attorney and serve as one of
23 the members of the DEP Anti-Idling Working Group.

24 Our New York State Constitution now makes
25 clear that each person shall have the right to clean

1
2 air. The wording is each person. It's not each white
3 person, and it's not each English-speaking person.
4 Every single person has the right to clean air in
5 this state. That should not be a controversial
6 statement, yet the New York City Department of
7 Environmental Protection disagrees with it. DEP's
8 online instructions begin "instructions for citizen's
9 air complaints. All questions are required to be
10 answered in English." This is disgusting. This is
11 racist. Hispanic New Yorkers who speak Spanish, Asian
12 New Yorkers who speak Chinese, Korean, or Bengali,
13 and black New Yorkers who speak Haitian Creole, they
14 all are entitled to the DEP's assistance in achieving
15 clean air in their communities. Foreign language
16 statements are good evidence at OATH. OATH has
17 translators on call, and they offer them in every
18 single case. City Council must immediately pass
19 Alexis Aviles' Intro. 898 to tell the DEP it must
20 stand up for clean air for all New Yorkers instead of
21 giving in to the DEP's lazy bureaucratic impulse of
22 limiting its workload by arbitrarily refusing to
23 address air pollution complaints. Intro. 898 only
24 partially addresses the problem as DEP's policy
25 choices have made its anti-idling and air pollution

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2 program generally inaccessible and inhospitable to
3 everyone. For example, DEP regularly insults citizen
4 participants by calling their submissions frivolous
5 based on DEP's questionable interpretations of the
6 idling law. DEP set policies over the years like
7 requiring citizens to run out into the middle of the
8 road to get footage of an idling truck from all four
9 sides that resulted in an injury. It has insisted
10 that idling delivery trucks that have fraudulently
11 obtained passenger plates or removed their plates
12 cannot be pursued for idling. It has required footage
13 well beyond the legally mandated three minutes. It
14 refuses to pursue idling buses that have simply left
15 their door open while folks occasionally step on and
16 off. It has excused all idling by...

17 SERGEANT-AT-ARMS: Your time has expired.

18 ERIC EISENBERG: Even when the employees
19 simply abandon their idling vehicle to eat lunch. I
20 encourage all Council Members to read the idling FAQ
21 and ask whether anybody without legal counsel can
22 understand it. What's worse, the DEP actually writes
23 summonses against citizens when they make harmless,
24 unintentional errors, costing one pediatrician over
25 5,000 dollars to clear his name. This is, to put it

1
2 mildly, not how you encourage citizen participation
3 or promote clean air.

4 Lastly, I would just say please do not
5 support Section 3 of Julie Menin's Intro. 1038-A,
6 which would give the DEP more power to harm New
7 Yorkers by creating arbitrary policies that vary from
8 the idling law. Thank you.

9 CHAIRPERSON GENNARO: Thank you for your
10 comprehensive and thoughtful testimony. That is very,
11 very valuable to us. We do appreciate you and your
12 ongoing work with the DEP to make their programs
13 better by giving them your time to try to do that.
14 Thank you very much. Appreciate it.

15 ANDREW BOURNE: Next is Lamanda (phonetic)
16 Williams.

17 SERGEANT-AT-ARMS: Starting time.

18 ANDREW BOURNE: Next witness is Logan
19 Welde.

20 SERGEANT-AT-ARMS: Starting time.

21 LOGAN WELDE: I am speaking in support of
22 Intro. 898. My name is Logan Welde, and I live in the
23 East Village. I am active participant in the Citizen
24 Idling Reporting Program and a member of DEP's
25 Citizen Advisory Committee. For my day job, I am an

1 attorney and a Legislative Director for an
2 environmental health-based non-profit. I study
3 legislation and work with legislators to enact
4 protective laws.
5

6 You all should be extremely proud of
7 yourselves. New York City's Citizen Idling Program is
8 the best legislation in America that I know of to
9 deal with daily micro-violations such as vehicular
10 idling. Giving citizens the power to report these
11 violations and receive a percentage of the proceeds
12 is pure genius and is the model to emulate. Vehicular
13 idling is a huge environmental problem and, prior to
14 the citizen component, there was virtually no
15 enforcement. This year, NYC is on track to issue
16 almost 100,000 idling tickets due almost exclusively
17 to citizens although still only a fraction of the
18 yearly violations. Emissions from vehicles contain
19 many dangerous chemicals causing everything from
20 breathing problems, cancer, and death. In fact, New
21 Jersey's DEP, which has a similar population to New
22 York City, has stated in an anti-idling fact sheet
23 that fine particulate pollution, the stuff that comes
24 from idling vehicles, may actually cause more deaths
25 in New Jersey than homicides and car accidents

1
2 combined. I carry this air monitor with me, and you'd
3 be shocked to see how bad it is when I come close to
4 idling vehicles. Expanding this program, which Intro.
5 898 does, is a no-brainer. I am confident that it
6 will pass. I am very concerned, however, that Council
7 Member Menin's bill, especially Section 3 of 1038,
8 will produce the opposite effect. That bill would
9 essentially destroy the citizen component of this
10 program and slash the amount of idling tickets issued
11 for illegal idling. DEP and OATH have not made this
12 program easy to participate in. They have constantly
13 thrown up barriers to participation, and I would
14 challenge each of you to go out and try to file a
15 successful idling report. Passage of 898 is a win for
16 the City, its citizens, and our shared air. However,
17 1038 would be a loss for all. If 1038 passes, the
18 idling law will go the way of the other bills you
19 have passed, which are never enforced like the air
20 conditioning, open door...

21 SERGEANT-AT-ARMS: Your time has expired.

22 LOGAN WELDE: In conclusion, you, as
23 stewards of our environment, are responsible for
24 making our air quality better. In fact, under the
25

1
2 State Constitution, your obligation as trustees is to
3 make sure that air does not worsen. Thanks.

4 CHAIRPERSON GENNARO: Thank you very much
5 for all of your advocacy and for being here and for
6 being patient and waiting all that time to give us
7 the benefit of your good testimony. Appreciate that.

8 ANDREW BOURNE: The next witness is Mari
9 Inoue.

10 SERGEANT-AT-ARMS: Starting time.

11 MARI INOUE: Hello. Can you hear me?

12 ANDREW BOURNE: Yes.

13 MARI INOUE: Thank you so much. Thank you
14 very much for this opportunity. My name is Mari
15 Inoue. I'm a lawyer. I'm living here in New York City
16 for more than 25 years. I'm also active in anti-
17 nuclear movements for more than a decade, and I'm
18 testifying in support of Resolution 605 that
19 prohibits dumping of radioactive agents into the
20 waters.

21 We also need to urge Governor Hochul to
22 support and sign relevant New York State legislation
23 because the Assembly has not passed yet, but it will
24 be discussed at the special session next week on
25 Tuesday.

1
2 I support this resolution because I'm
3 very concerned that Holtec International's dumping
4 plan might impact not only the people but also the
5 environment. At the public forum in April, Holtec
6 explained that they need to process and dump
7 approximately 1.3 to 1.5 million gallons from the
8 radioactive (INAUDIBLE) water storage tank, the
9 reactor cavity, and elsewhere. The dumping might
10 start as early as September so this is an urgent
11 matter. The so-called processed wastewater that will
12 be dumped into the river contains tridium or
13 radioactive hydrogen that could be incorporated into
14 our cells or DNA and possibly other radioactive
15 isotopes, and such dumping can negatively affect the
16 health in local communities and sustainability of the
17 environment. This is an environmental justice issue
18 because communities near the Indian Point are already
19 burdened by toxic emissions including from the
20 incinerator plant and wastewater treatment plant, and
21 it so important that New York City stands in
22 solidarity with these environmental justice
23 communities.

24 I'd also like to highlight that there is
25 no safe dose of ionizing radiation, all exposures are

1
2 cumulative, and some isotopes are extremely long-
3 lived so that is why I'd like to highlight that...

4 SERGEANT-AT-ARMS: Your time has expired.

5 MARI INOUE: Oh, in conclusion, please
6 urge Governor Hochul to support and sign this
7 relevant New York State legislation. Thank you so
8 much for the opportunity.

9 CHAIRPERSON GENNARO: Thank you so much
10 for being patient and giving the benefit of your very
11 good testimony. We appreciate it.

12 ANDREW BOURNE: The next witness is Hunter
13 Severini.

14 SERGEANT-AT-ARMS: Starting time.

15 HUNTER SEVERINI: Hello. My name is Hunter
16 Severini, and I'm here to speak in support of 898.
17 The Citizens Air Complaint program in New York has
18 undoubtedly been a pioneering success. I believe that
19 it could be significantly strengthened by 898. The
20 current reality of New York City is that areas like
21 the South Bronx are faced with some of the worst air
22 quality in the City and also have some of the lowest
23 participation in the Citizens Air Complaint program.
24 I know this because I've actually mapped this out,
25 and anyone interested, I highly recommend doing so.

1 The resources are available on New York Open Data.
2
3 There is a public database of citizen air complaints.
4 I would say that I've found an enormous discrepancy
5 between where complaints are under the Citizen Air
6 Complaint program and where the actual pollution is.
7 Unfortunately, as I said, the areas like the South
8 Bronx have some of the worst air quality but also
9 some of the lowest participation in the Citizens Air
10 Complaint program. Because of that participation, the
11 situation isn't improving whereas in Manhattan the
12 air quality has improved a lot because of all the
13 citizen participation. In the Bronx, that's barely
14 happened, and, in fact, I'd say it's more the
15 opposite because people who aren't used to get
16 tickets so they think that they can pollute there. I
17 would say, in general, just to give one example,
18 considering how widely spoken Spanish is throughout
19 the City, it makes sense that really every effort
20 should be made to accommodate this population, and I
21 think the same goes for all other designated City
22 languages because the City has clearly stated that
23 it's important enough for them to accommodate people
24 in these languages. There are enough people that
25 speak that. As I mentioned, I really recommend to

1 anyone who's interested in data to look on nyopendata
2 and let them know you can see what the distribution
3 of these air quality complaints is. I think that DEP
4 should seek to expand accessibility beyond the
5 requirements of 898...

7 SERGEANT-AT-ARMS: Your time has expired.

8 HUNTER SEVERINI: If they can. Lastly, I
9 just want to draw attention to Julie Menin's
10 misguided 1038-A which weakens New York's
11 environmental laws, and I do not believe it deserves
12 consideration by the Committee. Thank you for your
13 time.

14 CHAIRPERSON GENNARO: Thank you very much
15 for your good testimony on both bills that you
16 brought forward, and we really appreciate that. Thank
17 you very much.

18 ANDREW BOURNE: Our final witness is
19 Andrew Van Brisker.

20 SERGEANT-AT-ARMS: Starting time.

21 ANDREW VAN BRISKER: Good afternoon. My
22 name is Andrew Van Brisker. I'm a first generation
23 Vietnamese American, a cancer survivor, and I support
24 Introduction 898 which tears down language barriers
25 and expands access to the Citizens Air Complaint

1
2 program. Thank you, Chair Gennaro, for scheduling
3 this hearing, and thank you, Council Member Aviles,
4 for sponsoring this bill.

5 The Citizens Air Complaint program is the
6 most successful citizen environmental program in the
7 world, and I applaud the City Council for its strong
8 commitment to broaden access to non-English speakers
9 in this important effort to fight the climate crisis,
10 a crisis made stark last week when an orange haze
11 descended on our city and propelled New York to the
12 worst air quality in the world and reminded us how
13 toxic New York City air was before other important
14 environmental protection laws the Clean Air act were
15 passed. My family resides in Carroll Gardens Brooklyn
16 and, together with so many others joining us today,
17 our passionate allies in New York's clean air
18 community. Each day, my 9-year-old daughter and I
19 walk or bike our city streets to school, the park, to
20 work, or to stores our neighbors own and run. Each
21 day we breathe in way too much bad air, bad air that
22 kills. These toxic emissions from idling trucks and
23 buses serve no purpose at all. In its 2023 State of
24 the Air report, the American Lung Association warned
25 that air pollution is tied to a wide array of serious

1 health effects at every stage of life, from
2 conception through old age, including lung cancer,
3 asthma, impaired neurological development and
4 cognition in children, and early death from heart
5 disease and stroke. An analysis from the Union of
6 Concerned Scientists reports that minority
7 communities in New York inequitably bear the burden
8 of the highest exposure to these toxic transportation
9 emissions.
10

11 Today, we have an opportunity to being to
12 rectify this injustice and an opportunity to broaden
13 the program's access to non-English speakers, to
14 empower non-English speakers in New York's most
15 affected communities to take part and help to begin
16 to transform the structures and institutions that
17 reinforce and perpetuate inequality in their
18 communities.

19 SERGEANT-AT-ARMS: Your time has expired.

20 ANDREW VAN BRISKER: Just one second,
21 please. But there's more work to be done, 10 seconds,
22 and we must expand access to this program even
23 further. Far too many roadblocks still exist.
24 Arbitrary rules and needlessly complicated
25 requirements which constantly change and make it more

1
2 difficult for citizens to file complaints are
3 implemented without notice and without any
4 opportunity for public comment. I'm almost over. To
5 that end, the trucking industry and business
6 lobbyists among others are now trying to fast-track a
7 new bill, 1038, that seeks to undermine all of the
8 City Council's hard work to clean up our air, a bill
9 that seeks to subsidize corporate financial interests
10 using our health and the health of our loved ones. It
11 guts the Citizens Air Complaint program by making it
12 harder for ordinary citizens to take part. It
13 destroys incentives to participate. It drives down
14 citizen participation with the threat of receiving
15 nothing in exchange for significant (INAUDIBLE) of
16 effort. It creates massive loopholes that let
17 corporations pollute our air and get off scot-free.
18 It has been unlawful to idle for more than three
19 minutes in New York since 1972, but the anti-idling
20 law went virtually unenforced until the City Council
21 wisely passed legislation establishing this citizen
22 enforcement under this program. Now, the trucking
23 industry and business...

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CHAIRPERSON GENNARO: Please conclude. I mean I'm willing to give you a little latitude, but I need you to conclude.

ANDREW VAN BRISKER: I understand. The program is on a trajectory for more than 90,000 complaints this year. The anti-idling program is working, and now the trucking industry and business lobbyists want to gut it by breaking its backbone. Citizen enforcement, New York has made real progress and simply cannot afford to backslide, and so I urge you to oppose Intro. 1038, this terrible bill.

This is my conclusion. Clean air is not just aspirational stuff to strive for. It is the law of the land. As you know, New Yorkers recently approved a Constitutional amendment that enshrines our right to clean air in the Constitution, and so today I urge you to bring Intro. 898, this important bill now before us to expand access to the Citizens Air Complaint program, up for a vote without delay. We must encourage more citizens to take part in the program if we are to end the scourge of idling once and for all. Air pollution does not discriminate, and New York City agencies must not either. Thank you. Thank you for your time and attention.

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CHAIRPERSON GENNARO: Thank you very much.

I appreciate all your passion and your very, very substantive testimony, particularly on Intro. 1038. I really appreciate that, and I wish you happiness and good health. Thank you very much. Appreciate it.

With no one else wishing to be heard, this hearing is adjourned.

C E R T I F I C A T E

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



Date June 29, 2023