

New York State Environmental Summit:

Working with State Legislators

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Center for Biodiversity and Conservation

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Prepared by

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Introduction and Overview

Members of the New York State Legislature often hear from professional advocates and staff, but less frequently from members of environmental groups who have important perspectives on the complex issues and potential solutions addressed by legislators. At the same time, members of local environmental groups often struggle to make their interests known to legislators and to have their concerns addressed.

The New York State Environmental Summit: Working with State Legislators was designed to address these issues. Hosted by the Center for Biodiversity and Conservation of the American Museum of Natural History on February 24, 2001, with funding from New York State, this event afforded both legislators and members of local environmental groups an opportunity to walk in each other's shoes, to hear each other's concerns, to learn how to engage with each other productively, and to work shoulder-to-shoulder to identify substantive issues of statewide environmental concern and consider potential solutions. More than 600 individuals from organizations across New York State, from Buffalo to Long Island, were invited to respond to the survey and/or participate as representatives to the Summit.

More than ninety-five individuals attended the Summit. Attendees represented 41 environmental organizations and included six members of the New York State Assembly and one Member of the New York State Senate. [See Appendix A: List of Attendees.] Prior to the Summit, 101 individuals responded to the survey. The survey results were used to design the format for the day.

This report outlines the methods, process, and results of the New York State Environmental Summit: Working with State Legislators.

Conservation Impact, LLC, designed and facilitated the process and produced this report. Will Murray and Genevieve Wozniak of Conservation Impact were the lead consultants on the project.

Survey

In early February 2001, the Center for Biodiversity and Conservation and Conservation Impact surveyed members of New York State environmental organizations and other interested individuals regarding their environmental issues and concerns. The survey was available online via the Museum's website, and a paper version was also distributed. As a complement to the survey, the Museum hosted an electronic forum for those who wanted expanded discussion opportunities related to the questions in the survey.

A total of 101 people responded—58 from the New York City area (New York City's five boroughs, Westchester and Long Island counties) and 43 from outside the New York City area. The following is a summary of their responses. [See Appendix B: Survey Results for a more detailed summary.]

Question 1: Identify New York State's top five environmental issues.

Of the 15 issues listed, four emerged clearly as the most important among the majority of respondents: water quality/quantity (63 responses), followed by inadequate land-use planning (56 responses), air quality (50 responses) and habitat loss and fragmentation (49 responses). The fifth issue, environmental cleanup (brownfields, toxic waste), was identified as a top concern by less than half of the respondents (39 responses).

Not surprisingly, comparison of responses from the New York City area with those outside the City revealed slightly different priorities. The metro NYC respondents indicated that pollutants in both water and air, along with resulting health issues and solid waste disposal – problems associated with densely populated areas – were of highest concern. Water quality/quantity and air quality were identified by a majority of respondents (37 and 34, respectively). These issues were followed by inadequate land-use planning (28 responses), solid waste disposal (26 responses), and human health issues related to the environment (25 responses). Environmental justice and energy were also identified as important concerns, although by a smaller number—21 responses each.

For non-metro NYC respondents, the top issues of concern were related to land use. This issue and habitat loss and fragmentation received 27 and 28 responses, respectively, followed closely by water quality/quantity (24 responses). Air quality was mentioned by 17 people, while farmland loss and energy were tied at 15 responses each.

Respondents were invited to identify additional concerns in an "other" category. Frequently mentioned issues included impacts of development (loss of open space, land use, and traffic)

and forest management (need for more incentives to preserve private forest land, need for more state personnel).

Question 2: What are the top three environmental issues facing your community?

Of the 15 issues listed, two were identified clearly by a plurality of respondents as priorities: inadequate land-use planning (46 responses) and water quality/quantity (41 responses). These were followed by air quality (35 responses).

Again there was a difference between the local priorities of New York City area residents and those from elsewhere in the state. For the metro NYC respondents, the top issues related primarily to pollutants and their effects on humans – air quality (32 responses), water quality/quantity (20 responses) and human health issues (18 responses).

However, both metro NYC and non-metro NYC respondents share a concern with inadequate land-use planning, which was listed as the number two concern by metro surveys and as the top concern by non-metro respondents. Of the non-metro NYC respondents, again, the remaining top issues dealt mostly with land use. In addition to inadequate land-use planning (25 responses), habitat loss and fragmentation (16 responses), farmland loss (16 responses) and water quality/quantity (14 responses) were cited.

Questions 3 and 4: Are your environmental issues being addressed adequately by the legislature? If not, why not?

Forty respondents indicated that their issues were being “somewhat” addressed, and 59 answered that their issues were not being addressed. Of the reasons suggested for this, most respondents identified “competition with other environmental and non-environmental priorities” (47 responses) and “legislators not knowledgeable on the issues” (42 responses). In the “other” category, respondents listed competing business and development interests and a lack of understanding and interest in small environmental groups.

Question 5: What do legislators need from the environmental community to be more effective?

Most respondents selected public pressure (62 responses), reliable information (61 responses), and regular communication (60 responses). Responses in the “other” category included specific suggestions as to what the legislators should do (i.e., listen and serve/protect the community) as well as campaign finance reform and education about the issues.

Question 6: What are the three greatest external impediments that may keep your organization from achieving its environmental goals?

Respondents overwhelmingly selected inadequate funding (68 responses), followed by lack

of public awareness and outreach (54 responses) and lack of political support (50 responses). The “other” responses range from corporate influences, lack of volunteer leadership, and local attitudes and politicians.

Questions 7 and 9: Questions relating to benefits and challenges of working in coalitions. (Question 8 asked for specific examples of the benefits of coalitions. The numerous responses were too detailed to include here.)

Most respondents (64) believe that there is “always” a benefit to working with partners – as part of a coalition – to address environmental issues in the state, and 35 believe there is “sometimes” a benefit to doing so. None believe there is “never” a benefit.

Benefits cited included strength in numbers, increased political pressure/power, presenting a united front/one voice, exchanging/sharing information/knowledge, leveraging resources, and avoiding competition.

The top three challenges to working cooperatively and effectively with other groups to address top environmental issues were “diverse agendas” (46 responses), followed by competition for funds and members (41 responses) and not enough time (40 responses). Challenges identified in the “other” category varied from lack of leadership and coordination to the bureaucracies of partner organizations.

Program Goals and Agenda

The key objectives of the Summit were: increasing understanding of the legislative process, identifying environmental concerns of local community groups, and maximizing the interaction between participants on both substantive and process issues. The Summit design, then, focused on these three key objectives. [See Appendix C: Agenda.]

A. Increasing Understanding of the Legislative Process

Survey results indicated that most local environmental groups did not think that their needs were being adequately addressed by the Legislature. This may be due in part to a lack of understanding about how to engage in the legislative process effectively. The Summit addressed this issue in two ways:

1. Presentations to the Group

- Assemblyman Richard Brodsky (D. Westchester), Chair of the Assembly Committee on Environmental Conservation, described the role of state government in environmental conservation and identified the responsibilities of various state agencies.
- Senator Michael Balboni (R. Nassau) followed with a view from the Senate, and stressed the need for long-range planning on environmental issues.
- Drs. Steven Markowitz of Queens College and Luz Claudio of Mt. Sinai School of Medicine, and Pat Monahan of Little Sisters of the Assumption Family Health Service delivered brief presentations on the Ultimate Asthma Program, a case study in effective engagement of the legislature by a community-based organization.
- Robert Malito, of Davidoff and Malito, offered a lobbyist's perspective on the legislative process.

2. Small Group Discussions

After the presentations, participants broke into six groups, each hosted by a New York State legislator. Each group spent an hour learning more about legislators' jobs, identifying actions that prove effective with legislators and identifying actions to avoid. Each group also discussed ways in which legislators could help local environmental groups. A volunteer recorded findings and provided written notes for summary.

The following legislators hosted small group discussions: Senator Michael Balboni, Assemblyman Philip Boyle (R. Suffolk), Assemblyman Richard Brodsky, Assemblyman William Colton (D. Kings), Assemblyman Joseph Lentol (D. Kings), and Assemblyman James Pretlow (D. Westchester). Assemblyman Adriano Espaillat (D. New York) joined the event later in the day.

Key themes that emerged from these presentations and discussions include the need to build relationships with legislators. Participants identified several main ways to build these relationships: respect the legislator's good intent, provide relevant information succinctly, frame issues in context, and remain helpful and friendly.

B. Identifying Environmental Concerns and Solutions

Participants represented a wide variety of backgrounds, interests, issues and locations within New York State. To generate discussion and gain a fuller understanding of each other's perspectives, participants visited six topic-area stations set up around the room with blank flip-chart pages. Their task was to write on the page a clear problem statement and a clear solution statement related to the topic area. "Problems" were defined as undesirable conditions or situations, and "solutions" as actions that participants or the State of New York could take to reduce or remove the undesirable condition without creating more problems.

With a marking pen and 45 minutes, participants visited one or more stations, in groups and individually, writing down their ideas and discussing the ideas others had suggested. At the end of the 45-minute period, a volunteer from each station delivered a five-minute summary to the plenary of the major findings at their station.

A list of actions currently under consideration by the Legislature was posted at each topic-area station. In addition, a staff member from either the Assembly Committee on Environmental Conservation or Assemblyman Brodsky's staff was on hand at each station to provide information as requested. The station topic areas and lists of related state actions were:

Air quality/water quality

Energy generation
Sewage treatment
Garbage disposal
Landfill closure
Diesel buses
Habitat and species loss

Land use/habitat

Smart growth
Open space acquisition
Farmlands preservation
Brownfields
Energy facility siting

Human health and the environment

Asthma
Cancer mapping
Lead
Mercury
Pesticides
West Nile Encephalitis and Lyme disease

Toxic cleanup

Superfund
Brownfields
Hudson River PCBs

Energy

Needs assessment
Nuclear power
Deregulation
Facility siting
Emissions
Alternatives and conservation

Other

Environmental justice
Environmental rights
Hunting and fishing
Mining
Forest preservation
Noise pollution
Light pollution
Recycling
Waste tires
Mass transit
Enforcement

Participants identified numerous distinct issues. Their concerns were wide-ranging and varied by location and scope, but were frequently interconnected.

No single issue or set of issues emerged as clear priorities, but there were a few common themes:

Many participants advocated adherence to the precautionary principle, which holds that in the absence of adequate scientific data, activities are assumed to be harmful until proven otherwise. Participants stressed the need for additional attention to enforcement of environmental laws and regulations, and for comprehensive follow-up and the need for adequate funding for these purposes.

Participants recognized that government incentives (including government subsidies and tax benefits) can affect environmental decision making in various ways, both positive and negative.

Some of the main themes are presented by issue station below. [See Appendix D: Transcript from Issue Stations.]

1. Air Quality and Water Quality

Many participants suggested a link between the burning of diesel fuel and asthma. Waste disposal facilities, garbage trucks and school buses received mention as major sources of diesel emissions. Ideas for solutions focused on phasing out diesel vehicles in favor of those that use natural gas or other fuels.

Environmental Justice issues were frequently mentioned in discussion of siting power plants. Some participants commented that community concerns do not factor into decisions about where to locate new – or renovate existing – power plants. One participant wrote, “all communities should be eligible for their fair share of polluting facilities.”

Participants contended that the true costs of polluting air and water are not reflected in prices of goods and services. The main solution offered was an end to cost-masking subsidies.

Many participants cited lack of enforcement of existing laws and regulations in all categories of environmental issues, noting that agencies lack the budgetary resources or political will to enforce laws and regulations already in effect.

Participants disagreed about the benefits of generating energy from garbage versus reducing emissions by ending incineration. On one hand, reducing the miles that garbage trucks drive reduces diesel emissions. On the other, incinerators also produce emissions. Those opposed to incineration expressed an interest in increasing recycling to reduce waste volumes.

Some participants mentioned storm-water runoff as a major water-quality issue, and wanted to see more marshlands restored to handle increased runoff.

Many participants raised domestic water filtration as an issue. As a proposed solution, some recommended that the legislature exert pressure on DEC and DOH to accelerate the upgrade schedule and avoid sidetracking upgrades.

2. Energy

Many participants commented on renewable energy and research for new technology. Even more desired increased efficiency in energy use, including lighting, heating and cooling.

Existing nuclear-power plants were also mentioned frequently. Some participants noted that the perceived energy crisis may create a renewed demand for nuclear power.

Participants suggested that deregulation doesn't work, and that re-regulation is necessary.

3. Human Health Related to the Environment

Pesticide use was a frequent topic at this station. Some participants complained about the indiscriminate and ineffective use of pesticides in an attempt to "do something" about West Nile encephalitis. Marsh restoration was proposed as a way of reducing mosquito populations, since marshlands that have been filled now represent ground zero for breeding mosquitoes.

Many participants listed mercury and lead as serious human health issues. Mercury from airborne deposition, emanating from upwind power plants, and lead from paint and other sources, were cited as posing major health concerns, especially for low-income communities. Asthma, from diesel exhaust and from mold spores in interior spaces, was also cited as a severe human health issue.

Participants advocated adherence to the precautionary principle, which holds that in the absence of adequate scientific data, activities are assumed to be harmful unless proven otherwise.

4. Land Use / Habitat

Participants advocated a balance of land acquisition dollars across the state; land is expensive where populations are most dense, so acquisition dollars don't go as far in those areas. Acquiring land where prices are lower often puts public land far from those who might wish to view and visit it.

Participants stated that members of planning boards do not have sufficient backgrounds in conservation planning and other land-use issues, and advocated better training for individuals on planning boards.

Many participants expressed interest in more holistic analysis and regional planning in land-use decisions. The growth and development plans made by small government entities such as towns and villages produce unwanted effects at larger scales, including traffic congestion, loss of farmland, destruction of habitat and loss of scenic values. Planning at a regional scale and analyzing cumulative impacts are potential solutions.

Participants noted that laws for protecting wetland buffers seem to differ across the state. New York City wetlands are provided a limited 100-foot adjacent area of protection, whereas wetlands on Long Island and upstate are provided 200-to-300-foot adjacent wetland widths. Wetland buffers are important for water quality and habitat function. Increasing New York City's adjacent wetland width was proposed as a solution. One participant wrote, "a wetland is a wetland upstate or downstate."

Insufficient funding for land acquisition was frequently mentioned as a problem. It was proposed that New Jersey's land-acquisition program serve as an example.

5. Toxic Cleanup

Some participants suggested that Superfund refinancing may be one of the reasons that cleanup of contaminated sites takes so long, and proposed that refinancing could take place without relaxing liability requirements.

Participants also noted that brownfields redevelopment is slow and that some incentive is needed for developers to get involved.

Cleanup of PCBs in the Hudson River was a frequently cited issue. Among possible solutions, participants suggested requiring polluters to play a role in the clean up.

6. Other

In several areas, participants emphasized the need for funds to ensure that existing laws and regulations are enforced.

Participants also stated that not enough people are recycling. As solutions to this problem, they cited schools as a good place to increase efforts, and proposed that the government purchase recycled materials to help stimulate the market. Participants also noted that there are not enough recycling processing plants in New York, requiring long-distance trucking of recyclable materials and resulting in increased air pollution and traffic.

Some participants mentioned Environmental Education as critical to helping youth become ecologically literate citizens.

C. Maximizing Opportunities for Interaction

Survey responses also underscored the interest of local environmental groups in meeting and networking with each other, as well as with legislators. To meet this need, the Summit was structured to allow for networking and discussion during each session. An unstructured lunch break also offered networking opportunities. The Ultimate Asthma Project provided additional information during the lunch period, with a literature table and video presentation.

Conclusion

The Summit focused on enhancing the ability of local organizations and their members to work effectively with legislators, and on identifying and proposing solutions to environmental issues of statewide significance without filtering from the lobbying process. In addition, the Summit format allowed participants to network and learn about a broader range of issues than they may have previously considered. This summary report and supporting materials will be posted on the Center for Biodiversity and Conservation's website, <http://research.amnh.org/biodiversity> to allow for a wider dissemination of the results. Information directly related to biodiversity conservation will also be used to inform future work by the Center.