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NYPIRG URGES GOVERNOR CUOMO AND LAWMAKERS TO RETURN TO SESSION AND ACT ON KEY ISSUES

(Albany, N.Y.) State lawmakers should return to Albany this month to tackle important issues, according to a letter released today by the New York Public Interest Research Group (NYPIRG). The letter, addressed to Governor Cuomo and the four legislative leaders, urged action on a number of environmental, consumer, democracy and public health issues.

In the letter, NYPIRG wrote, “A lot has changed since the beginning of the 2020 session. Your actions to respond to the COVID-19 pandemic and the resulting fiscal impact appropriately drove budget discussions. But in the same way that other budgetary items were debated and resolved, pandemic-related and non-pandemic issues warrant legislative action between the time that you are scheduled to return on April 20th and the end of session in early June.” NYPIRG’s list of issues includes:

- Actions to protect the environment. During Earth Week, NYPIRG urged action on legislation to make the fossil fuel industry pick up the state’s remediation costs resulting from global warming, stop PFAS incineration, and ban hazardous fracking waste from municipal landfills.
- Actions to combat price gouging triggered by the pandemic.
- Actions to strengthen voting through expanded absentee voting and enhanced early voting participation.
- Action to establish *independent* public financing (and ethics) enforcement.
- Action to ban the sale of flavored tobacco products.

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Attached: NYPIRG letter to Governor Cuomo and the legislative leaders



April 17, 2020

Andrew Cuomo
Governor
Executive Chamber
Capitol Building
Albany, NY 12234

Andrea Stewart-Cousins
Majority Leader
State Senate
Legislative Office Building
Albany, NY 12247

Carl Heastie
Speaker
State Assembly
Legislative Office Building
Albany, NY 12248

John Flanagan
Minority Leader
State Senate
Legislative Office Building
Albany, NY 12247

William Barclay
Minority Leader
State Assembly
Legislative Office Building
Albany, NY 12248

Re: Important Issues For the Remainder of the 2020 Session

Dear Messrs. Cuomo, Heastie, Flanagan, Barclay and Ms. Stewart-Cousins:

As you consider your legislative agendas for the remainder of the session, there are issues of importance on which NYPIRG urges action up your return.

A lot has changed since the beginning of the 2020 session. Your actions to respond to the COVID-19 pandemic and the resulting fiscal impact appropriately drove budget discussions.

But in the same way that other budgetary items were debated and resolved, pandemic-related and non-pandemic issues warrant legislative action between the time that you are scheduled to return on April 20th and the end of session in early June. We offer eleven important issues for your consideration:

1. Take steps to make the fossil fuel industry pick up the state's remediation costs resulting from global warming. The oil, coal and gas industries should pay for the environmental catastrophe that they created, not solely based on the central role the burning of fossil fuels plays in the climate crisis, but because they spent decades lying about the damage caused by greenhouse gas emissions and using their political clout to stop environmental and public health action. There are ways to hold the oil, coal and gas industries accountable to pay the costs of the recently-approved Restore Mother Nature Bond Act. One such way is offered in S.2649-B/A.257-B, which would end the subsidies New York currently gives to the fossil fuel industry.
2. Stop PFAS incineration. A legal complaint recently brought to light that PFAS firefighting foam has been shipped for incineration to facilities in numerous states across the country, including at the Norlite facility in Cohoes, New York. Without any EPA environmental review, Norlite has already burned this foam in at least two instances in the past two years. This puts the nearby community, and water sources, like the Tomhannock reservoir that serves Troy, New York, in jeopardy of contamination through air deposition. Given the

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widespread contamination from PFAS already prevalent in New York, and the widely understood negative health consequences of exposure to these chemicals, it would be a tremendous health risk to the public to allow this practice to continue in New York. This legislation would ban this practice in the state and protect thousands of lives in the process. This is a common-sense move to protect New Yorkers from continued exposure to PFAS chemicals. (S.7880/A.9952)

3. Ban hazardous fracking waste from municipal landfills. Through a federal loophole that also exists in state regulation, liquid, sludge and solid wastes from oil and gas industry activities, such as hydraulic fracturing techniques used for gas extraction, are not classified as hazardous waste despite often meeting the criteria. These wastes can end up in landfills and publicly owned treatment works that process residential sewage—which are not designed to handle hazardous wastes. As a result, hazardous, toxic chemicals are released into the environment where they are harmful to natural resources, animals and human health. Moreover, these industrial wastes are used to keep road dust down and for de-icing winter roads and can contaminate the environment. This legislation would ensure that oil and gas drilling wastes are handled as hazardous when they otherwise meet the existing criteria. (S.3392/A.2655)
4. Combat price gouging triggered by the pandemic. New York now finds itself at the center of the national coronavirus outbreak, expected to soon reach epidemic proportions across the nation. Unfortunately, there is already evidence of price gouging for supplies such as hand sanitizer and disinfectant—supplies recommended by the U.S. Centers for Disease Control and Prevention and other health agencies to protect individuals and public health by mitigating the spread of COVID-19 virus. Price gouging in times of emergency is an abhorrent business practice and New York should join states like California and New Jersey that specifically prohibit price gouging during emergencies. This legislation will give the Attorney General an important tool to deter—and if necessary punish—businesses from exploiting medical emergencies to profiteer by price gouging New Yorkers. (S.7932 /A.10159)
5. Expand absentee voting. Last week, Governor Cuomo took a step to expand voting by mail in to reduce the public’s exposure to COVID-19 at polling places and to protect poll workers. The Executive Order for the upcoming June primary allows any voter to request an absentee ballot and mail it in. As you know, the state Constitution allows for an absentee ballot if the voter has an excuse “because of illness or physical disability.” The governor’s Executive Order includes the possibility of getting exposed to COVID-19 as an expanded definition of “illness” in order to allow primary voters to obtain an absentee ballot. Legislation has been introduced to expand that protection to the upcoming general election, we urge support. (S.8015-A/A.10271; S.8120/A.10231)
6. Enhance early voting participation. Since voting is a habit that must be ingrained and supported in the early years of eligibility—which coincide with typical college years—New York should cultivate this habit by supporting voting by students on campus. This legislation would promote student access to the polls by having a polling site on campuses located in communities with election districts where students are a majority of the voters. The bill covers both the traditional primary/general elections and the early voting period. (S.4378-A/A.5661-A)

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7. Establish independent public financing enforcement. As part of the final budget agreement, an optional system of public financing was established. While there is considerable uncertainty as to whether the plan will work (it is an untested model), it is clear that the enforcement mechanism, and its reliance on the state Board of Elections, will not. We urge you to establish an independent oversight entity that would also cover ethics and lobbying enforcement. A constitutional amendment has been introduced that models this independent entity on the Commission for Judicial Conduct. That model should be followed. (S.594-A/A.1282)
8. Ban the sale of flavored tobacco products. This bill fills the gap left by the 2020 budget legislation banning vaping flavors only and the 2009 federal law that banned flavored cigarettes only, and will add to New York’s strong record of youth tobacco use prevention. Moreover, this legislation would remove from the marketplace flavored varieties of tobacco products that have been found to be most appealing to children and appear to be targeting the illegal youth or “starter” market. New York must continue its efforts to combat smoking and tobacco use among minors, and reduce the substantial risk that youthful experimentation will lead to a long-term, deadly habit for thousands of youngsters each year. The COVID-19 pandemic highlights the increased risk that persons with lung damage, such as long-term smokers, face in diseases affecting the lungs. (S.6809-A and A.8808, which are similar)
9. Establish greater restrictions on the overuse and misuse of antibiotics. The issue of the overuse and misuse of antibiotics is an important one—and one which dropped out of the budget negotiations. The executive budget contained language to create a stewardship program to strengthen the standards on which antibiotics are used, but the proposal was dropped. The language did not include, unfortunately, standards for the appropriate use of antibiotics in agricultural settings. Roughly two thirds of antibiotics are used on farm animals and the CDC estimates that twenty percent of so-called “superbugs” originate in farm settings. There is legislation that addresses that problem (S.5742-A/A.9632). The bill requires that medically important antimicrobials (those also used by humans) shall not be administered to a food-producing animal unless ordered through a prescription or a Veterinary Feed Directive given by a licensed veterinarian who has visited the farm operation within the previous six months. The bill prohibits the use of medically important antimicrobials in food-producing animals solely for growth promotion, improved feed efficiency, or disease prevention. Medically important microbials can be used only for the purpose and duration specified by a veterinarian. We urge that you reconsider the issue of antibiotics overuse and misuse and develop a comprehensive plan to combat the rise of antibiotic-resistant “superbugs.”
10. Enact the New York Public Banking Act. This bill creates a safe and appropriate regulatory framework for New York cities, counties, and regions seeking to establish public banks. Through public banking, local governments can leverage public money to support local economic development, including affordable housing, green jobs, equitable financial services, and more. Under current law, localities seeking to establish public banks must apply for a commercial bank charter. This forces local governments to retrofit their public bank business models into a regulatory system that was designed for private, for-profit enterprises. As the public banking movement grows statewide, New York must update its

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legal and regulatory structure accordingly. S.5565-A/A.9665-A authorizes the state Department of Financial Services to issue public bank charters to New York cities, counties, and region—paving the way for democratically-controlled financial institutions that meet local community needs.

11. Pass the Marihuana Regulation and Taxation Act (S.1527-C/A.1617-C). The way New York State currently deals with cannabis causes harm. As the New York State Department of Health states plainly: “The over-prosecution of marijuana has had significant negative economic, health, and safety impacts that have disproportionately affected low-income communities of color.” Importantly, MRTA should apply to adults 18 years and older, not 21. Eighteen, 19, and 20 year olds can enlist in the armed services, sign contracts, vote for president, and serve on juries and decide death penalty cases. NYPIRG sees no valid reason to treat 18, 19, or 20-year-old adults differently than adults 21 or older. We urge that you pass the Marihuana Regulation and Taxation Act (S.1527-C/A.1617-C), which will reduce harm current policies inflict on New York communities, and better serve public health and community equity.

NYPIRG looks forward to working with you during the remainder of the legislative session. If you have any questions, please do not hesitate to contact me.

Sincerely,

Blair Horner
Executive Director