



New York City Environmental Justice Alliance’s (NYC-EJA) Testimony to the New York City Council Committees on Recovery and Resiliency & Environmental Protection at the Oversight Hearing on OneNYC, Review of the City’s Resiliency and Sustainability Plans. December 14th, 2015.

The New York City Environmental Justice Alliance (NYC-EJA) commends the New York City Council Committees on Recovery and Resiliency & Environmental Protection for inviting public comments on the City’s Resiliency and Sustainability Plans. The City Council plays a critical role in ensuring that New York City fully takes advantage of this opportunity to increase its sustainability and resiliency -- particularly, in low-income and communities of color where vulnerabilities to climate change impacts and historic disproportionate environmental burdens require immediate attention.

Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens. Through these efforts, member organizations coalesce around specific common issues that threaten the ability of low-income communities of color to thrive, and coordinate campaigns designed to inform City and State policies. Addressing environmental justice issues while creating more sustainable and resilient communities is central to NYC-EJA’s agenda.

In 2010, NYC-EJA launched the Waterfront Justice Project, New York City’s first citywide community resiliency campaign. When the City of New York initiated its overhaul of the Comprehensive Waterfront Plan (Vision 2020) in 2010, NYC-EJA began an advocacy campaign to convince the Bloomberg Administration to reform waterfront zones designated as Significant Maritime and Industrial Areas (SMIAs.) These are zones created by the 2002 NYC Waterfront Revitalization Program (WRP) to encourage the protection and siting of industrial and maritime uses along the waterfront.

Development applications in SMIAs are regulated by the WRP -- the legal mechanism to determine consistency with NYC’s waterfront policies and regulations. The SMIAs are treated differently by the WRP than other waterfront areas by assuming that industrial and maritime uses are consistent there, resulting in the siting and clustering of potentially noxious and polluting uses and infrastructure. There are only six SMIAs in the City -- all are located in classic “environmental justice” communities (the South Bronx, Sunset Park, Red Hook, Newtown Creek, Brooklyn Navy Yard & the North Shore of Staten Island) and predominantly low-income communities of color.

NYC-EJA discovered that the six SMIA's are all in hurricane storm surge zones, and that the City of New York had not analyzed the cumulative contamination exposure risks associated with clusters of heavy industrial uses in such vulnerable locations. In consequence, NYC-EJA created the Waterfront Justice Project to research facilities that use, transport, or store hazardous or toxic substances in order to identify community vulnerability for those working and living in and around SMIA's in the event of storm surge, flooding, high winds, and sea-level-rise.

NYC-EJA's research findings emphasize the vulnerability of the SMIA's to potential hazardous exposures in the event of severe weather, and the urgent need to address the public health impacts on vulnerable communities -- efforts that are now referenced in the New York City Panel on Climate Change 2015 report on public health impacts and resiliency¹.

NYC-EJA endorses a balanced approach to waterfront policy that bolsters waterfront communities by promoting economic growth while protecting the environment and advancing equity. We envision innovative waterfront industrial regulations, policies and programs that set the standard for environmentally conscious development while enhancing community resiliency. NYC needs a diverse economy that supports working and middle class families. Promoting and preserving industrial jobs and manufacturing zoning in the city is a key component of creating a resilient and thriving economy.

NYC-EJA's Climate Justice Agenda

NYC-EJA's Climate Justice Agenda is a research and advocacy campaign to address the need for a comprehensive community-based approach to climate adaptation and community resiliency. This initiative is structured as a policy framework to assess the scope and extent of City initiatives to address environmental and climate justice issues affecting vulnerable populations, and formulate recommendations to help reduce the vulnerabilities of low-income communities of color to climate change.

OneNYC addresses both sustainability and resiliency together, integrating "equity" and "justice", for the first time. This represents a positive acknowledgement on behalf of the City that addressing unsustainable practices, as well as environmental and economic injustices, are inexorably linked to building sustainability and resiliency -- and must be tackled as a citywide priority. In addition, the City has put forth several ambitious goals. Examples include decreasing emissions 80% below 2005 levels by 2050, and sending zero waste to landfills by 2030. These initiatives align with NYC-EJA's work with "Climate Works For All", a coalition to advocate for innovative resiliency investments that result in living-wage jobs; and "Transform Don't Trash NYC", a partnership to overhaul NYC's commercial waste sector to increase waste management efficiency, environmental and worker standards, commercial recycling rates, and decrease the reliance on solid waste transfer stations.

However, many initiatives in OneNYC are very broad in scope and lack a clear implementation plan. For example, since the Mayor's initial announcement to reduce carbon gas emissions, the City created a Technical Working Group to establish "world class building codes"². As an appointed

¹ New York City Panel on Climate Change. (2015). Building the Knowledge Base for Climate Resiliency: New York City Panel on Climate Change 2015 Report. Chapter 5: Public Health Impacts and Resiliency. Pp. pages 70-72. [online]. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/nyas.12588/epdf>. Accessed December 2015].

² City of New York. (2015) One New York, The Plan for a Strong and Just City. [online]. Available from: <http://www1.nyc.gov/html/onenyc/index.html> [Accessed April 2015], p. 174.

committee member, NYC-EJA is concerned with the lack of a clear mechanism for implementation -- and whether the City will mandate required building retrofits, or if this will be voluntary (an approach that hasn't proved to be as effective in the past). Something similar occurs with employment opportunities associated with infrastructure investments. OneNYC states that "the City will ensure all investments that strengthen the city's resiliency will create job opportunities for residents and low-income applicants"³ However, a closer read reveals that although contractors are required to report efforts related to local hiring and training, there are no explicit provisions requiring local hiring.

Additional concerns derive from the communities prioritized with infrastructure investments. While the City has committed considerable resources to building integrated flood protection systems in Lower Manhattan and Red Hook, it lacks a similar detailed response to other climate change impacts (like wind) -- as well as a similar financial commitment in other vulnerable communities. This is particularly critical in/around industrial waterfront neighborhoods (e.g. South Bronx, Newtown Creek or Sunset Park SMIA), which are vulnerable to flooding and storm surge and have been historically disproportionately burdened by various environmental impacts, but haven't received the same level of resiliency investment. Moreover, while the City has allocated over \$335M for resiliency infrastructure improvements in Lower Manhattan, it has only allocated \$45M for such interventions in the South Bronx -- where resources will focus on an energy project, leaving coastal protection needs completely unaddressed.

In terms of public health, OneNYC addresses several sources of public health disparities. But several environmental justice priorities, like codifying the NYC Community Air Survey into law to secure long-term air-quality monitoring and additional monitors in environmental justice communities, or expanding the monitored toxics to include co-pollutants (not just particulate matter) remain unaddressed. Similarly, our assessment reveals very little attention placed on increasing the local capacity for community preparedness and planning.

In order to address these concerns and fully take advantage of the opportunity to strengthen NYC's sustainability and resiliency, NYC-EJA urges the City Council to consider the following recommendations:

1. **Require a robust implementation plan for OneNYC.** There is ambiguity on the policies required to implement goals, and a need for strong mandates where voluntary programs are not enough -- as well as balanced mechanisms to address the needs of all vulnerable communities.
 - o Large private buildings (over 50,000 SF) use nearly half of New York City's energy. A voluntary retrofit program like the Retrofit Accelerator alone is not sufficient to meet the 80x50 goal, and therefore, the City should require large buildings to undergo energy efficiency retrofits.
 - o The City should undertake a full renewable energy and energy efficiency assessment of public buildings to determine the actual potential for clean energy generation in its building stock. This effort should prioritize the installation of solar and other renewables in low-income neighborhoods and communities of color, where polluting energy infrastructure has historically presented the largest impacts.
 - o City investments have focused on communities most impacted by Sandy's flooding, but should articulate a fundraising plan to address the needs of all other vulnerable communities.

³ Ibid. p. 227.

2. **Require a comprehensive assessment and response to climate change impacts.** Current resiliency efforts have an almost exclusive focus on coastal flooding, and haven't fully addressed the public health risks associated with potential hazardous exposures that can occur in industrial waterfront communities under severe weather.
 - The City hasn't addressed the impacts of high winds associated with severe weather, which is particularly important in neighborhoods like the South Bronx or Sunset Park SMAs that didn't experience as much flooding or storm surge during Superstorm Sandy, but were affected by high winds.
 - While the City has initiated studies to research the needs and capacities of waterfront industrial businesses (like the Department of City Planning's Open Industrial Uses of Resilient Industries studies), efforts have focused on site design and building characteristics, leaving behind the need to increase the sustainability and resiliency of the industrial operations, innovative strategies for implementation, and a detailed public health intervention to protect the health and safety of workers and nearby residents.

3. **Require the City to create a genuine community engagement process to inform and oversee the implementation of OneNYC.** Without an inclusive and long-term decision-making process to engage grassroots efforts in resiliency building plans, with clear opportunities for community oversight, OneNYC remains a primarily top down effort.
 - Launch a long-term public participation process to inform the implementation of OneNYC, and support any additional planning efforts required to develop the initiatives proposed by the de Blasio Administration. Such initiative can be built upon proposals submitted to the City Council by the City University of New York and the Science and Resilience Institute at Jamaica Bay, in partnership with NYC-EJA.
 - Such efforts would convene environmental justice and other grassroots advocates, academic researchers, and City agencies, to coordinate citywide recovery and resiliency efforts with bottom-up neighborhood priorities.
 - The process would engage local communities in the creation of innovative indicators to measure and track equity and community resilience in each neighborhood; make policy recommendations and proposal for capital projects and programs; and propose communication channels for long term relationship building between communities and City agencies.