



New York City Environmental Justice Alliance Oversight Hearing Testimony on Commercial Waste Zones To NYC Council Committee on Sanitation and Solid Waste Management

November 20, 2023

Thank you Chair Ariola, Chair Brewer, and members of the Council for taking the time to hold this oversight hearing on emergency planning, notifications, and response to citywide flooding events and air quality emergencies. Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit, 501(c)3 citywide membership network linking grassroots organizations from low-income 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 by the coordination of campaigns to inform City and State policies. Through our efforts, member organizations coalesce around specific common issues that threaten the ability for low-income communities of color to thrive.

Over the last several years, the realities of climate change have been impossible to ignore as we are more and more frequently confronted with them in our daily lives. To anyone paying attention, it's become clear that climate change can no longer be considered a problem we will face in the future, but rather a present reality that has and will continue to greatly impact us, probably for the rest of our lives. As time passes, and government action at every level is slow to progress, we can only expect for these challenges to continue and worsen. In addition, as we know, these impacts are not felt equally, with people of color and low-income communities facing the worst impacts and outcomes caused by climate change, even as they remain the smallest contributors to the problem. This is a historic problem that will continue to persist unless progressive action is taken now to implement solutions that have already been identified to mitigate and adapt to our new reality. Some of these solutions have been enacted to law, but aren't yet fully funded or implemented. Some are still being drafted. Some have significant support, but lack political will to carry forward in spite of their life or death importance.

What we at NYC-EJA do know is that we have to continue to expect and demand more. Too many lives are at stake for us to continue allowing the City government to make excuses and seek approval for projects that are incomplete and insufficient.

On September 29th, Tropical Storm Ophelia caught New Yorkers uninformed and unprepared to protect themselves as streets, homes, subway stations, and buses filled with dangerous flood waters. Devastating flooding has become commonplace in New York City, and the Mayor's office and City agencies have had ample practice to learn how to respond to these events. Yet, the response from our Mayor was that residents of NYC must be "living under a rock" not to

have been prepared - and rather than address the city to help protect New Yorkers from harm, the Mayor chose to attend a private re-election fundraiser as the storm approached. Only after the worst of the flooding had passed did the Mayor declare a state of emergency and tell New Yorkers not to travel when many were already at work, in school, or stranded in traffic (in the storm and unable to get to their destination). How is this an acceptable response? In addition, when flooding was discussed at the October 11th Council oversight hearing, DEP's response to the flooding issue was to highlight the City's barely launched FloodNet program and sensors and other flood mitigation measures that have slowly been rolling out. While these are important steps forward, they are insufficient on their own and are being implemented too slowly for the protection of our most vulnerable communities. New Yorkers' homes, workplaces, schools, and communities are being severely affected by extreme weather events like Tropical Storm Ophelia, and storms of the recent past like Ida and Henri. We have huge weaknesses in our city's infrastructure in relation to flood risk that will be expensive and time-consuming to resolve. Meanwhile, the funding cuts in the Adams administration's November financial plan will devastate many key resiliency programs, including reductions to the Interim Flood Protection Measures program and programs and reports within the Mayor's Office of Climate and Environmental Justice. We need to not only take a more active approach in responding to those challenges than we are currently seeing from the Mayor's office and City agencies, but also ensure that the plans aren't handicapped by poorly justified austerity measures.

Looking further back, in June and July of this year, New York suffered some of the worst air quality in its history, with orange skies highlighting catastrophes from other countries. In these incidents, too, the City and Mayor did too little, too late to inform, educate, prepare, and protect the residents of New York City. In response to criticism, we heard defensiveness instead of reconciliation and promises for improvement in the future. However, CM Restler took a more active approach, presenting Intros 1199, 1200, and 1201, all of which we are in support of. These three bills will help the City take a more active, intentional approach to protecting our most vulnerable residents from air quality emergencies, and we look forward to seeing them passed and implemented. Consistent with many of the recommendations and policy requests NYC-EJA has and continues to make, these bills place an emphasis on a variety of key elements of emergency preparedness and response. Intro 1199 outlines clear guidelines for "Spare the Air Days" including what should trigger these warnings, how they should be disseminated, and what resources and information the City should make available for residents. We have also been actively working on improving the expectations regarding notification during a variety of emergencies, including air quality emergencies, and Intro 1200 supports this goal, placing clear expectations and requirements of relevant City agencies. Intro 1201's intent to ensure that Emergency Management creates and implements a comprehensive air quality emergency plan is also a key element of the types of improvements we want to see across all types of emergencies that NYC faces. Combined, these three bills are timely and relevant to the needs of New Yorkers, particularly those that are most vulnerable, such as environmental justice communities.

Additionally, we think that the ideas Restler's bill package presents are an excellent starting point for crafting plans to address other climate emergencies like extreme heat events and

severe flooding. If we are intentional and targeted in our efforts to plan for, notify residents of, and respond to the variety of climate and environmental emergencies that NYC is vulnerable to, we will be able to effectively learn from and avoid the mistakes of the past.

Finally, in regards to the US Army Corps of Engineers NY/NJ Harbor and Tributaries Study, we urge the City to remain vigilant and engaged in the process to protect the city and its most vulnerable residents from the threats of climate change. This study may be our last good chance to protect coastal communities throughout the New York-New Jersey metro area, bringing a possible \$52B into the region for coastal resilience measures. The study is said to be the largest of its kind, done in partnership with the states of NY and NJ and NYC, covering 900+ miles of affected shoreline and 25 counties in New York & New Jersey. The affected population is roughly 16 million people, including New York City and the six most populated cities in New Jersey.


This study needs to move forward with appropriate improvements to ensure that it protects the city's most vulnerable residents with resilience solutions that match the visions of the communities in question. They need to ensure that the infrastructure they plan to build for storm surge doesn't put communities at risk with other types of storm and flooding risks, particularly three distinct problems, which our communities simply were not built for: storm surge like we saw with Hurricane Sandy ten years ago, heavy downpours like Irene and Lee brought us last year, and seas that will rise by a foot or more over the first half of this century. DEP's Commissioner claims that the agency has had open communication with the Army Corps team and that they are working to ensure New Yorkers receive the best possible protection. However, as advocates that have been deeply involved with the process for over two years, we can say that this supposed transparency is not at all apparent to us. We are concerned that both USACE and DEP have failed to show proper urgency and transparency in this process and this apparent complacency has a high risk of poor outcomes for our most vulnerable residents. We hope the City Council will stay alert and engaged in the HATS study and lend its own support to the needs of the most vulnerable communities.

In addition, the plan leaves out key communities such as Hunts Point, which has been continually underinvested in through a variety of plans over the past several years. Let us not forget that while there have been past promises to protect Hunts Point and build coastal resiliency there, the City has abandoned them all, leaving residents unsafe and frustrated by broken agreements and revoked investment. An example is the Rebuild by Design project following Superstorm Sandy which was supposed to build coastal resilience and energy infrastructure but the coastal protection elements have been left off.

We can and should be doing so much more to protect the most vulnerable in our city and we ask the City Council to continue pressing for more, to continue demanding better for your constituents. So many plans and programs and promises have been released and lauded, but so little has actually come to fruition. Hold the City accountable for these promises and the effectiveness of those promises. We need more than theoretical unfunded plans like PlaNYC, which have good ideas but no clear approach to follow through. There is so much planning and

work that has already been done during this and previous administrations that we could draw from, including but not limited to AdaptNYC, PlaNYC, Rainfall Ready NYC, The New Normal Report, and more). Where are we on these plans? How much progress has been made and what can the City show us to prove that these actions have been effective? We need to stop restarting the process from zero, when we could instead be starting off from previous City and community developed plans and ideas. There is so much work and knowledge that has already been gathered and we need to work smarter to meet the undeniable realities of today.

It is ever clearer from the orange skies to flooded streets we have experienced this year that New York City cannot solely rely on our Mayor to provide sufficient leadership and safety under increasingly frequent environmental disasters. At the same time, successful policies and protocols can be developed to save lives in times of crisis. The City Council can and must provide critical legislation and oversight in lieu of inconsistent leadership from the Mayor. Thank you.



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