The Battles Of 2003

by Eric Goldstein
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New York environmental public policy debates in 2003 are likely to be dominated by fights over money.

In a year in which both the city and state budgets are facing gaping deficits, expect to see bruising battles over funding for wide-ranging programs from recycling to superfund/ brownfields clean-up to air pollution reduction. Every environmental initiative will be scrutinized in terms of its economic impact on this year's budgets, and proposals that require major new expenditures will be in for tough sledding.

Among the money pots that will be watched most closely is the State's Environmental Protection Fund. This dedicated funding mechanism created in l993 to finance such statewide programs as open space preservation, landfill closures, waterfront revitalization and urban parks is a possible target of raids from cash-strapped Albany officials. Convincing Governor George Pataki to protect $125 million of these dedicated funds will be one of the first environmental challenges of the new year.

At the same time, 2003 will also present opportunities for advancing environmental proposals that can reduce government operating costs or boost government income. Among the ideas that are likely to receive attention are new initiatives for energy conservation at the city and state level; increasing tolls on the city's East River bridges; and recovering from the beverage industry millions of dollars of unredeemed five cent bottle and can deposits that New York consumers pay every year.

Of course, there will also be efforts to address other issues that could have long-term adverse consequences for public health or the state's ecology if they continue to be ignored. For example, the governor is expected to advance a major new initiative to reduce New York's contribution to global warming. Depending on the specifics of his proposal, this could be particularly significant -- especially given the mounting evidence that climate change resulting from the burning of coal and other fossil fuels is the nation's number one environmental threat.

While many other environmental matters are likely to surface in the coming twelve months, here is a quick run-down of four issues certain to be the subject of forthcoming policy debates:

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LOWER MANHATTAN REDEVELOPMENT

The most visible environmental issue of 2003 will probably be the rebuilding at the World Trade Center site and the reshaping of Lower Manhattan's infrastructure. Nine new design proposals have recently been presented to the public, and various public forums will be held during January and February (although, asyet, there is no official event comparable to the Civic Alliance's Listening to the City gathering that was convened to review the first set of design proposals last year). Meanwhile, the Port Authority and the Lower Manhattan Development Corporation have established an extremely tight schedule for the selection of a land use plan for the area by the end of February.

Of course, developing the concept and design for a meaningful memorial to the thousands who lost their lives on September 11th must be a top priority. And there will no doubt be much debate in coming months over the size and shape of the new buildings, as well as over the amount of open space and waterfront access.

But the scope of environmental issues involved in the rebuilding effort is much broader. How will the transit infrastructure be reconfigured and what impact will the choices have on future development patterns throughout the region?Will planners seize the opportunity to make these new buildings world-class models of energy-efficiency and green design?And what connection will there be between plans for the trade center site and Mayor Bloomberg's own provocative plan for reshaping Lower Manhattan with everything from new airport links to new parks?

"The world is watching what we do here," says Ron Shiffman, director of Pratt Institute's Center for Community and Environmental Development. "They watched the buildings come down, and they are watching to see what will go up," he continued." If we can rebuild lower Manhattan in a way that does not shift environmental burdens to other communities, that reduces dependence on fossil fuels and that becomes a model of green design, we can send a strong message to the region and the world" as to the future we envision for the urban environment.

SOLID WASTE AND RECYCLING

Turning to New York City's handling of more than 30,000 tons a day of garbage, the coming year will bring numerous challenges.

Last year, in a big victory for environmental justice advocates, Mayor Bloomberg announced a

plan to upgrade the city's old waterfront-based garbage transfer stations for trash export. If implemented, the plan --similar to one advanced by the Organization for Waterfront Neighborhoods and other waste activists -- could dramatically reduce the amount of garbage now carried into and out ofland-based transfer stations(mostly in already overburdened neighborhoods of Brooklyn and the Bronx) by diesel-spewing trucks. The lengthy process for reconstructing the first few waterfront waste transfer stations is expected to begin in 2003.

On the related issue of recycling, the city's solid waste program is facing more hurdles. Last year, the mayor and City Council suspended the collection for recycling of plastics and glass. A governmental task force is due to report in Feburary on future prospects for restoring those materials to the city's existing collection program. (The Sanitation Department has continued to collect paper and metals and take them to processors who pay the city for each ton of recyclables received.)

Although some recycling is already cheaper for the city than exporting trash to out-of-state landfills, finding new ways to reduce the costs of other aspects of the city's recycling program will be a focus of policy-makers in 2003.

"The time has come to look for new mechanisms and new institutions to help the city implement a more cost-effective recycling program,"says Mark Izeman, solid waste expert at the Natural Resources Defense Council.

A coalition of environmental and civic groups, as well as New York Sate Attorney General Elliot Spitzer, who has already established his credentials as an environmental champion, are seeking to advance legislation that would, among other things, generate as much as 170 million dollars a year for recycling and other programs around the state. This proposal envisions recapturing the unclaimed five cent deposits that are paid by consumers who purchase beer or soda containers but do not return those containers for their deposits. Since the state bottle bill was passed in 1982,beverage distributors have kept more than one billion dollars of such unredeemed nickel deposits. Attorney General Spitzer, environmental advocates and friends of recycling in the state legislature agree that the time for this industry windfall to end has arrived.

SUPERFUND AND BROWNFIELDS LEGISLATION

New York State's Superfund program, reponsible for cleaning up toxic wastes at hundreds of contaminated sites from Buffalo to Long Island, is stalled. This successful environmental program has essentially run out of funds. Last year, Governor Pataki proposed to spend $138

million per year to clean up all previously identified Superfund sites (as well as help fund "brownfield" clean-ups) over twenty years. But at the end of the legislative session only about nine million dollars were allocated. That was barely enough to retain the Superfund staff at the State Department of Environmental Conservation and to keep several partially completed clean-up projects moving forward. With current funds, the collapsing program can not support new investigations of toxic sites or take on new clean-up projects.

"Superfund and brownfields is the number one legislative environmental issue of the year in Albany," according to Jeff Jones, the ever-present communications director for the Albany-based watchdog group, Environmental Advocates. As has been true in the past several years, the legislative debate will center on appropriate clean-up standards for these sites as well as overall funding levels and the source of those funds (e.g., the amount paid into the fund by businesses rather than by the general public).

While the number of state Superfund sites in New York City itself is relatively few, there are more than 5,000 abandoned or under-utilized properties, referred to as brownfields. These land parcels, frequently located in industrial and/or waterfront areas, are often not redeveloped due to concerns over possible on-site environmental pollution. Although these properties could be used for new businesses, homes, or recreational facilities, developers have also shied away from them because of pollution-related liability concerns and financial uncertainties. As a result, valuable city lands are lying fallow, in-city job opportunities are being lost, andadded development pressures are being placed on farms and ecologically valuable green spaces in the far fringes of the region.

For several years, legislative proposals have been kicking around in Albany that would attempt to accelerate brownfields clean-up by providing more formal and uniform standards for environmental clean-up and greater involvement by community groups in the planning process for brownfields redevelopment in their neighborhoods. Brownfields reform legislation has been tied to the state superfund issue, and it is likely that the two clean-up programs will once again live or die together in the 2003 legislative session.

LEADED PAINT AND CHILDREN'S HEALTH

Leaded paint remains the major source of high-level lead exposure to New York City children, and one of the oldest environmental disputes is expected to resurface again in 2003.

For decades, physicians have known of the mental and physical risks to children who mouth

and chew paint chips that contain lead. (Although the federal government prohibited the use of lead for all interior and exterior paints in 1977, New York's older housing stock contains tens of thousands of apartments and residences where old leaded paint lingers as a problem.)

In l999, a new city statute took effect that altered the previous city law and weakened certain requirements on building owners and managers relating to leaded paint clean-ups. At the time the controversial statute was enacted, the U. S. Environmental Protection Agency's regional administrator warned that the new lead law omitted two critical steps-- requiring specially trained workers to conduct remedial lead-paint work and mandating follow-up testing for lead after remediation work is concluded. Public health advocates shared those and other concerns, and have been seeking to revise the law ever since.

"Though lead poisoning is entirely preventable, there were approximately 8, 000 new lead poisoning cases in New York City in the year 2000," says Queens-based City Councilmember John C. Liu, relying on official city statistics. (It is likely that this figure significantly underestimates the total problem.) Liu is one of more than 30 co-sponsors of Intro. 101, a new bill that would tighten leaded paint requirements for building owners and managers.

Manhattan Councilmember Bill Perkins, a primary sponsor of Intro.101, is spearheading the legislative fight for the new lead law. And with the New York Coalition to End Lead Poisoning, West Harlem Environmental Action, and an array of physicians leading the public charge,the push for reform of the city's lead paint law should reach a crescendo in 2003.

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