

26 May 2022

Governor Kathy Hochul
Executive Chambers
State Capitol, Albany, NY 12224

CC: Senate Majority Leader Andrea Stewart-Cousins
Legislative Office Building, Room 907
Albany, NY 12247

Dear Governor Hochul,

Earlier this month, both chambers of the State Legislature passed the “**Cumulative Impacts**” **environmental justice legislation (S.8830/A.2103D)**. Passage of this legislation is a historic and salient step forward for environmental justice in New York by increasing protection for our state’s disadvantaged communities (DACs). It is also an important step for reaching the Climate Leadership and Community Protection Act’s mandate in Section 7(3) to reduce disproportionate burden in disadvantaged communities.

Our coalition, consisting of WE ACT for Environmental Justice, South Bronx Unite, the JustGreen Partnership, New York Lawyers for the Public Interest, Natural Resources Defense Council, Earthjustice, New York League of Conservation Voters, Clean and Healthy New York, Riverkeeper, Sierra Club Atlantic Chapter, 350Brooklyn, Moms for a Nontoxic New York, Environmental Advocates NY, Our Climate, Bronx Climate Justice North & North Bronx Racial Justice, New York City Environmental Justice Alliance and the undersigned supporting organizations, **urge you to sign S.8330/A.2103D into law before the conclusion of the legislative session.** This is a moment to show your support for Black and Brown communities across New York State.

The U.S. Environmental Protection Agency (EPA) issued a groundbreaking study in 2021 finding that, across the whole nation, **Black/African American people are exposed to significantly higher toxic air pollution than any other race of people, and it is due to legacy pollution in communities.**¹ And, according to a recent Harvard University study, Black, Latin(o/a), Asian, and low-income people are exposed to higher emissions of fine particulate

¹Tessum, C. W., Paoletta, D. A., Chambliss, S. E., Apte, J. S., Hill, J. D., & Marshall, J. D. (2021). PM2.5 polluters disproportionately and systemically affect people of color in the United States. *EXITEXIT EPA WEBSITE Science Advances*, 7(18), eabf4491.

matter (PM_{2.5}) than other racial and ethnic groups.² In New York State, neighborhoods in New York City, Albany, Buffalo, and other areas with a high proportion of people of color have the greatest exposures to PM_{2.5}, traffic, or hazardous waste facilities³. S.8830/A.2013D will assist in ameliorating these and other instances of legacy environmental racism by preventing the approval and re-issuing of permits for actions that would increase disproportionate and/or inequitable pollution burdens on a DAC.

As Governor, you are well aware of the iniquitous distribution of pollution-generating facilities such as factories, power plants, bus depots, sewage treatment plants, garbage dumps, transfer stations, and more that plagues our state. The exposure to these environmental hazards leads to significant adverse health impacts including, but not limited to, respiratory illnesses and heart disease. Current laws and regulations do not take the cumulative impacts of pollution into account when approving such facilities, instead treating them as a sole source of pollution that residents will have to endure. Hence, ratification of the Cumulative Impacts legislation will be a key asset in addressing the systemic environmental racism that has plagued the health and well-being of these communities for generations.

This legislation can put New York in a position to increase environmental justice for millions of residents while also acting as a implementation pathway for the state's nation leading climate law, the Climate Leadership and Community Protection Act (CLCPA), which requires all state agencies to prioritize the reduction of disproportionate environmental burden in DACs.

Signing the Cumulative Impacts bill would also put New York in a position to join our neighbors in New Jersey who passed and ratified a similar bill just two years ago. While signing that bill into law, Governor Murphy declared, "Today we are sending a clear message that we will no longer allow Black and Brown communities in our state to be dumping grounds, where access to clean air and clean water are overlooked." You now have the opportunity to join Governor Murphy as a nationally recognized environmental justice leader while contributing to the establishment of a regional environmental justice hub in the Northeast.

The people have organized, mobilized, and advocated for increased climate and environmental justice in the state. Subsequently, the people's representatives voted to advance this bill with the intent of sending it to you for your consideration. While we were pleased to see numerous references to prioritizing DACs and advancing environmental justice during your first State of the State address, we call on you to act on those proclamations by signing this critical piece of

² Jbaily, A., Zhou, X., Liu, J. *et al.* Air pollution exposure disparities across US population and income groups. *Nature* 601, 228–233 (2022). <https://doi.org/10.1038/s41586-021-04190-y>

³ <https://ejscreen.epa.gov/mapper/>

legislation into law with dedicated haste and without delay. Ratification of this bill will both save lives and improve the quality of life for residents of DACs and millions of New Yorkers.

Sincerely,

Sonal Jessel
Director of Policy
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Brahvan Ranga, Political, Director For the Many

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Jerry Rivers, Environmental Scientist, North American Climate, Conservation and Environment (NACCE)

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