



New York City Environmental Justice Alliance

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New York City Environmental Justice Alliance testimony to the New York City Council Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts:

“Oversight – Rebuilding After Sandy and Improving the Resiliency of the City’s Infrastructure”

June 27th, 2013

Founded in 1991, the New York City Environmental Justice Alliance (NYC-EJA) is a non-profit city-wide 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 our 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 affect City and State policies. The impact of climate change and mitigation measures is central to NYC-EJA’s agenda, and therefore, we would hereby like to testify in support of the bills that have been put forth by the City Council. We appreciate the opportunity to advocate for an equitable recovery process that integrates regional rebuilding efforts with local resiliency priorities, strengthens vulnerable communities & addresses public health impacts, expanding community-based climate change planning, preparedness & response.

NYC-EJA’s Waterfront Justice Project

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 the Significant Maritime and Industrial Areas (SMIAs.) These are zones designed to encourage the clustering and concentration of heavy industrial and polluting infrastructure uses. 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. Development applications in SMIAs are treated differently – and to a lower review standard – than other waterfront areas, thereby easing the siting and clustering of polluting infrastructure.

As part of these efforts, NYC-EJA discovered that the six SMIAs 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 use in such vulnerable locations. In collaboration with Pratt Institute, NYC-EJA began a research project to assess facilities that use, transport, or store hazardous or toxic substances in order to identify community vulnerability for those working and living in and around SMIAs in the event of severe weather. Preliminary results of this research were presented as part of NYC-EJA’s testimony to the New York City Council Committee on Environmental Protection at the

Hearing on Climate Change Impacts and Mitigation Measures in New York City that took place on December 16, 2011, and to the Committee on Public Safety at the hearing on Hurricane Sandy After Action Report And Recommendations that took place on June 20th, 2013.

The Sandy Regional Assembly

Following the aftermath of Superstorm Sandy, NYC-EJA co-convened the Sandy Regional Assembly, an association of environmental justice organizations, community-based groups, labor unions and our allies from Superstorm Sandy-impacted and storm surge-vulnerable areas in New York City, New Jersey and Long Island. Nearly 200 participants representing over 40 organizations participated in a January 2013 meeting to assess the aftermath of Sandy and the role of local communities in the Sandy Recovery process. Together, we are advocating for a grassroots-led recovery that includes priorities of low-income people, communities of color, immigrants, and workers. Participants of this meeting discussed goals and recommendations that structured a Recovery Agenda, available at www.nyc-eja.org. The Agenda was released on April 1st 2013, and emailed to the City Council after that. In addition, this agenda was handed that month to representatives of the Mayor's Special Initiative for Rebuilding and Resiliency (SIRR) for their incorporation in the City's recovery plan.

The following recommendations are submitted to the City Council based on the research that NYC-EJA has developed as part of the Waterfront Justice Project, and the goals articulated in the Sandy Regional Assembly Recovery Agenda.

1. As part of the City Council's efforts to address building safety and the potential exposure of hazardous substances and toxic chemicals, we urge you to consider the following recommendations:

(BRTF 3 Protect Building Systems; BRTF 4 Allow Elevation of Building Systems; BRTF 7 Safeguard Toxic Materials; BRTF 8 Prevent Sewage Backflow; BRTF 10 Flood Construction Manual; BRTF 11 Prevent Wind Damage; BRTF 12 Analyze Wind Risk; and BRT 28 Create Emergency Plans.)

a. Require a detailed investigation of the impacts of Superstorm Sandy, particularly as they relate to potential cumulative hazardous exposure risks in industrial waterfront neighborhoods:

- Require a full report and detailed documentation of DEP's post-Sandy inspection of facilities in compliance with Local Law 26 of 1988 (the "NYC Right-to-Know Law") that reported spills of hazardous substances following Sandy. This should include the location, type of substances and volume, for the reported spills. *See the City's Special Initiative for Rebuilding and Resilience (SIRR) report "A Stronger, More Resilient New York" (June 2013), at p. 201.*
- Assess environmental health impacts of potential cumulative hazardous exposures by conducting a Community Health Investigation to determine health impacts of post-Sandy contamination and health hazards, including an analysis of the impacts on community first responders, recovery workers, and clean-up volunteers.

b. Require that emergency response plans and trainings, as well as accident investigations and risk assessments, required by the New York City Community Right-To-Know Law, should involve neighboring communities:

- Require that emergency response plans and trainings should be public and accessible to neighboring communities living or working in/around industrial waterfront neighborhoods.

- Require that accident investigations and risk assessments should be developed in consultation with neighboring communities living or working in/around industrial waterfront neighborhoods.
- Prevent environmental hazards after disasters, by training recovery workers and first responders on protocols for hazardous materials and contaminants, including neighboring communities who may volunteer for these activities during/after future severe weather events.

c. Address potential public health impacts of climate change on vulnerable industrial waterfront neighborhoods, addressing the special requirements of industrial buildings and open industrial sites:

- Identify industrial waterfront threats by funding a participatory investigation of public health risks associated with potential exposures to industrial clusters of hazardous substances and toxic chemicals handled, manufactured and transferred -- not just stored - - in industrial facilities and sites vulnerable to climate changes impacts, such as storm surge, high winds, and sea-level-rise -- not just flooding.
- Identify the opportunities to mitigate potential hazardous exposures through a collaborative effort between community, industry and government -- where all of these stakeholders can participate in identifying the needs of local industrial operators, and identify existing and required technical and financial resources for implementation. This should result in an incentive-based process to support building adaptation and pollution prevention, not just in stronger regulation.

2. As part of the City Council’s efforts to create energy security, we urge you to consider the following recommendations:

(BRTF 6 Backup Fire Safety Communication; BRTF 14 Cool Roof Surfaces; BRTF 17 Voluntary Emergency Power Systems and Natural Gas; BRTF 20 External Electrical Hookups; and BRTF 21 Backup Residential Lighting.)

a. Reduce vulnerabilities by requiring redundant, distributed, sustainable systems, and providing technical and financial resources for implementation:

- Require back-up power systems in vulnerable areas that will maintain critical building systems (elevators, heat, hallway lights, and water) in the event of power outages.
- Require solar-powered wireless and cell phone charging stations in vulnerable areas prior to severe weather events.
- Identify strategies to decentralize energy infrastructure and create distributed networks of sustainable energy sources.
- Reduce dependency on fossil fuels (e.g., encourage expansion of alternative fuel vehicular fleets, expedite conversions/switches of cleaner heating fuel for large buildings, support repowerings for dirty electricity-generating “peaker” units, etc.)
- Support solar energy projects that will generate power when the electrical grids go out in storm surge vulnerable areas. (One example is the North Brooklyn Community Solar Initiative to generate back-up power for First Spanish Presbyterian Church in Williamsburg: This can serve as a model for solar back- up power in critical facilities such as schools, nonprofits, churches, etc., near vulnerable waterfront areas.)

3. Finally, as part of the City Council’s general efforts to strengthen the rebuilding process and build community resiliency, we urge you to consider the following recommendations:

a. Address the specific needs of vulnerable populations:

- Support disaster plans and building adaptation measures focused on the most vulnerable population, including people with disabilities, residents in long-term care facilities, immigrant communities, seniors, youth, people with limited English proficiency, people with language access plans or disability plans, and residents of industrial waterfront communities vulnerable to storm surge.
- Include vulnerable populations in planning and outreach activities and create multilingual outreach materials.

b. Support local climate resilience and community-based planning initiatives:

- Encourage technical assistance grants for policy and planning networks and community-based organizations with histories of effective advocacy partnerships promoting environmental justice, resiliency and sustainability with the most vulnerable communities: Sandy funding to support planning should not be dedicated exclusively to local or municipal planning agencies. Funding should also support community-based initiatives to reduce vulnerability through research, training, and emergency preparedness.
- Support Comprehensive Community Disaster Preparedness Plans built around community driven planning and local priorities. Utilize community plans that already provide adaptation/resiliency strategies, such as Sunset Park’s & Williamsburg’s 197-a plans and the Hunts Point Vision Plan.
- Create Interagency Climate Adaptation Teams for each Community Board. All agencies (City, State, Federal) that work in those communities must participate.

c. Create community oversight and inclusive decision-making:

- Guarantee that City recovery efforts authentically include local/neighborhood/grassroots involvement beyond “invitation-only” style meetings.
 - Require that NYC’s Special Initiative for Rebuilding and Resilience (SIRR) related and successor plans/processes be more participatory.
 - Require that government and task force decision-making be transparent, including any amendments to the recovery plans.
- Ensure community oversight of CDBG and other funding decisions:
 - Obligate local officials to keep track of federal funding expenditures.

We commend the Committees on Housing and Buildings, Environmental Protection, Parks and Recreation, Transportation, and Waterfronts for holding this hearing, allowing everyone an opportunity for public comment to offer insight into the recovery process. The City Council plays a critical role in ensuring that New York City fully recovers from Superstorm Sandy, and builds the resiliency required to face the challenges posed by future climate change impacts.
