

1 Disadvantaged Communities Criteria - 6/2/2022

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Notice of public hearing to accept comments on the  
5 Draft Disadvantaged Communities Criteria

5

PUBLIC COMMENT HEARING

6

DATE: June 2, 2022 at 6:10 p.m.

7

VENUE: WebEx

8

BEFORE: A.L.J. RICHARD SHERMAN

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Reported by Howard Hubbard

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1 Disadvantaged Communities Criteria - 6/2/2022

2 APPEARANCES:

3 ALANAH KEDDELL-TUCKEY, D.E.C. Representative  
4 ANDREA LINTON, Host

4

SPEAKERS:

5

ELIZABETH MCDADE

6

DOUGLAS AVERY

VALERIE SANDLAS

7

ALLEN BLAIR

ARNOLD GORE

8

MICHELLE SQUIRES

ABIGAIL CORFMAN

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ANTON DISAV

10 BRADY FERGUSSON

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2 (The hearing commenced at 6:10 p.m.)

3 MS. LINTON: Howard.

4 THE REPORTER: Okay, I'm ready to go  
5 -- yeah, I am ready to go on record. I've got us on  
6 the record.

7 A.L.J. SHERMAN: All right. Thank  
8 you, Mr. Hubbard. Good evening, everyone. I  
9 apologize for our delay. We were having some  
10 difficulty in getting our court reporter online. And  
11 of course, we want to make sure that we get all of  
12 your comments properly recorded. My name is Richard  
13 Sherman. I'm an administrative law judge with the  
14 New York State Department of Environmental  
15 Conservation.

16 I'll be presiding over today's public  
17 comment hearing to receive comments on the draft  
18 Disadvantaged Communities Criteria. On behalf of the  
19 D.E.C. and NYSERDA, I'd like to thank you for joining  
20 us tonight and participating in this important  
21 process. The D.E.C. in partnership with NYSERDA is  
22 holding eleven public hearings across the state to  
23 receive public comments on the draft criteria and  
24 guide the implementation of the state's Climate  
25 Leadership and Community Protection Act.

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2 New York's climate justice working  
3 group, which includes representatives from the  
4 environmental justice groups across the state and  
5 representatives from state agencies, voted to release  
6 the draft to public review. The public comment  
7 period commenced in March and will end on July 7th,  
8 2022. Draft criteria may be found at  
9 [www.climate.ny.gov](http://www.climate.ny.gov).

10 Again, that's [climate.ny.gov](http://climate.ny.gov). The  
11 criteria are based on geographic, public health,  
12 environmental hazard, and socioeconomic factors. In  
13 a moment Alanah Keddell-Tuckey, Director of D.E.C.'s  
14 Office of Environmental Justice will give a brief  
15 overview of the work to date and the draft criteria  
16 themselves. This public comment hearing is being  
17 held through the WebEx platform.

18 Notice of the hearing was published in  
19 the environmental notice bulletin on May 4th, 2020,  
20 I'm sorry, May 4th, 2022. And assisting me today  
21 with this hearing are members of the D.E.C. Office of  
22 Communication Services. People are attending today's  
23 hearing both over the internet and by phone. In  
24 either case, you should have audio input from only  
25 one device otherwise you may experience problems with

1 Disadvantaged Communities Criteria - 6/2/2022  
2 feedback.

3 Everyone has been muted upon entry to  
4 the hearing. If you experience any technical issues,  
5 please call us at five one eight, four zero two,  
6 eighty forty-four for assistance. Again, that number  
7 is five one eight, four zero two, eighty forty-four.  
8 The purpose of today's hearing is while members of  
9 the public comment on the draft disadvantaged  
10 communities criteria, this is not a question and  
11 answer session.

12 All the comments will be accepted here  
13 tonight, and the three remaining in-person public  
14 hearings and four remaining virtual public hearings.  
15 For those attending my internet, we have a slide on  
16 the screen that lists the remaining hearings. Please  
17 note, written comments may be submitted until July  
18 7th, 2022. Written comments are given the same  
19 weight as oral comments.

20 Comments submitted by email must be  
21 received by the department at five p.m. on July 7th.  
22 The comments submitted by mail must be postmarked by  
23 July 7th. In a moment, I'll provide the email  
24 address and the mailing address for submitting those  
25 comments. If you are attending by internet, we had

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2 that information on the slides on your screen.

3 Everyone who wish to speak today was  
4 asked to pre-register, and we will call the  
5 registered -- registered speakers first. As we have  
6 done in each of the public hearings, we are going to  
7 limit speakers to two minutes. Please be respectful  
8 of that time limit. If you're not complete with your  
9 comments after two minutes, we will ask you to  
10 conclude your remarks.

11 Those attending over the internet,  
12 there will be a two-minute timer on the screen that  
13 will help you keep track of your time. We also --  
14 closed captioning is available if you have joined by  
15 the Internet. You will see an option to use the  
16 service on the lower left side of the WebEx page that  
17 you are now viewing. Please click on the C.C. symbol  
18 for closed captioning. And again, if you are having  
19 a technical issue, you may call us at five one eight,  
20 four zero two, eighty forty-four.

21 Before we turn to the public comments,  
22 again the director of our environmental justice  
23 group, Alanah Keddell-Tuckey would like to give a  
24 brief presentation. Director?

25 MS. KEDDELL-TUCKEY: Thank you. Good

1 Disadvantaged Communities Criteria - 6/2/2022  
2 evening, everyone. My name is Alanah Keddell-Tuckey,  
3 and I am the Director of the Office of Environmental  
4 Justice at the Department of Environmental  
5 Conservation. I'm also the chair for the state's  
6 environmental justice working group, sorry, climate  
7 justice working group. Thank you for joining us for  
8 this public hearing on the draft disadvantaged  
9 communities criteria.

10 The Climate Act is the nation's most  
11 ambitious climate change related legislation. Its  
12 goal is to reduce New York State's greenhouse gas  
13 emissions from all human activities by a hundred  
14 percent over 1990 levels by the year 2050 with an  
15 incremental target of at least forty percent  
16 reduction in greenhouse gases by the year 2030. At  
17 least eighty-five percent of the reductions by 2050  
18 must come from preventing the release of greenhouse  
19 gases.

20 The remaining fifteen percent may come  
21 from carbon removal projects like conserving soil,  
22 growing forests and restoring wetlands. Implementing  
23 the Climate Act will create opportunities to build a  
24 better future and ensure this work also advances  
25 climate justice. The Climate Act mandates that at

1 Disadvantaged Communities Criteria - 6/2/2022  
2 least between thirty-five to forty percent of the  
3 benefit of New York State's spending on clean energy  
4 accrue in disadvantaged communities.

5 State agencies are also required to  
6 prioritize greenhouse gas emissions and co-pollutant  
7 reductions in disadvantaged communities. This  
8 includes D.E.C. and the drafting of regulations to  
9 meet the greenhouse gas emissions limits required by  
10 the Climate Act. The identification and  
11 prioritization of disadvantaged communities in  
12 accounting for the benefits and in cutting pollution  
13 and improving resilience is what makes our climate  
14 act such a transformative law.

15 To identify disadvantaged communities  
16 in New York, the climate justice working group was  
17 guided by the language of the Climate Act in  
18 identifying disproportionately burdened communities.  
19 They voted to include forty-five indicators using  
20 data on environmental hazards, climate change risks,  
21 public health issues, geography, and socioeconomic  
22 factors like race, income, education levels,  
23 unemployment rates, and housing conditions.

24 Additionally, the draft disadvantaged  
25 communities' designations are reflective of the



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2 working group, their lived experiences, and the lived  
3 experiences of residents of these historically  
4 overburdened and underfunded communities. Each  
5 census tract was scored based on a relative burden,  
6 risk, vulnerability, or sensitivity.

7 Specifically, the percentile ranks of  
8 the indicators for each census tract are combined to  
9 produce a value that measures the census tract's  
10 relative level of environmental burdens and climate  
11 change risks, as well as population characteristics  
12 and health vulnerabilities relative to other tracts.  
13 Tracts that score higher relative to other tracts in  
14 the state, or their region, are identified as  
15 disadvantaged communities.

16 The working group also voted to  
17 include low-income households with incomes at sixty  
18 percent of the state median income as disadvantaged  
19 for the purposes of benefits and investments. On the  
20 screen, you'll see snapshots of what your community  
21 looks like under the draft disadvantaged communities  
22 criteria.

23 Using this data, you'll see that  
24 forty-five percent of census tracts which include the  
25 low-income designation and the Finger Lakes, and

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2 forty-two percent of census tracts in the southern  
3 tier are categorized as disadvantaged communities.  
4 And as a person who is from the Southern Tier and the  
5 Finger Lakes, I will say that this does have a lot of  
6 personal connection to my life so I look forward to  
7 hearing your comments and making sure that we did  
8 this right. Thank you.

9 A.L.J. SHERMAN: Thank you, Director.  
10 We will now take public comments. When we call your  
11 name to speak, your line will be unmuted if you are  
12 attending over the internet. If you have attended by  
13 phone, we will ask you to press star three which will  
14 raise your hand so that we may unmute your line. And  
15 that will be a star three to -- so that we can unmute  
16 your line.

17 Please do not press star three until  
18 we have called your name so that we can make sure  
19 that we get our speakers in order. Please begin your  
20 comments with your name and address. If you're  
21 speaking on behalf of someone or some group, identify  
22 who it is that you are representing. Please speak  
23 loudly, slowly, and clearly so that our court  
24 reporter can properly record your comments. Our  
25 first speaker is Yasmin Guevara. Yasmin Guevara,

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2 we'll try to unmute your line now.

3 MS. LINTON: I don't see her name on  
4 the list. But if you are there, could you please  
5 raise your hands or if you're on the phone please  
6 press star three?

7 A.L.J. SHERMAN: Okay, we will try  
8 Yasmin Guevara again after we go through the rest of  
9 the registered speakers. Our next speaker is Diane  
10 Cohen. Diane Cohen? Again, if you're on -- on the  
11 phone please press star three. That will raise your  
12 hand and we'll be able to see you and unmute your  
13 line. Diane Cohen. Our next speaker is Elizabeth  
14 McDade. Do we have Elizabeth McDade?

15 MS. LINTON: You should be unmuted.

16 MS. MCDADE: Can you hear me?

17 A.L.J. SHERMAN: Yes, please proceed.

18 MS. MCDADE: Hello, my name is  
19 Elizabeth McDade and I live in Rochester, New York.  
20 I've worked in education advocacy and social justice  
21 around housing and health concerns for over twenty  
22 years. I've worked with a coalition to prevent lead  
23 poisoning since 2006, and I'm certified by the E.P.A.  
24 in renovation, repair, and painting and credentialed  
25 in HUD H.H.R.S. I am also a graduate of the Yale

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2 School of Public Health certificate program in  
3 climate change and health.

4 I grew up in the southwest part of the  
5 city and then I came forward in a designated -- in a  
6 DAC located just blocks from census tracts in the  
7 heart of the neighborhood that had been designated as  
8 a non-disadvantaged community. I went to elementary  
9 school in DAC, visited friends in DAC. I was a  
10 volunteer quarry in the walk and talk with the DAC  
11 program at the all-volunteer Westside farmers market,  
12 located in a DAC census track for over five years.

13 I currently live in the northeast part  
14 of the city in a census tract, it is not a DAC. Both  
15 of these neighborhoods are places that people want to  
16 live because they are vibrant neighborhoods filled  
17 with lots of different kinds of people. They also  
18 share similar socioeconomic and health impact data,  
19 both 14611 the zip code I grew up in, and 14609 where  
20 I live now are two of the six zip codes in the city  
21 where the majority of lead paint poisoning cases have  
22 -- have been identified a data point your criteria  
23 does not mention.

24 Unfortunately, they also lead the way  
25 in years of potential life lost according to data

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2 collected by Common Ground Health. These  
3 neighborhoods got early priority access to the COVID  
4 vaccine because we were considered at highest risk.  
5 Seven years ago, I became the program director for  
6 Rochester energy efficiency and weatherization.

7 RENEW is a collective impact  
8 initiative that's developed an integrated efficient  
9 approach to working with multiple community partners.  
10 And I want to say that we need to make sure that  
11 everybody in this community has access to those  
12 resources. It's a cornerstone to making sure that we  
13 have a healthy neighborhood. Please do not eliminate  
14 the DAC within the heart of the city. Make the  
15 entire city of Rochester a DAC -- a disadvantaged  
16 community designation, please.

17 A.L.J. SHERMAN: Thank you, Mrs.  
18 McDade. Our next speaker is Yvonne Taylor. Do we  
19 have Yvonne Taylor? And again, if you are on the  
20 phone, Ms. Taylor, could you please press star three?  
21 Okay, our next speaker is Douglas Avery. Douglas  
22 Avery? Do we have Mr. Avery? Your line has been  
23 unmuted, --

24 MR. AVERY: I'm here.

25 A.L.J. SHERMAN: -- Mr. Avery.

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2 MR. AVERY: Yeah.

3 A.L.J. SHERMAN: Yeah, please proceed.

4 MR. AVERY: My name is Doug Avery. I  
5 live in Seneca Falls, New York. And the towns of  
6 Seneca Falls and Waterloo, New York have long been  
7 subject to environmental contamination. Much of it  
8 is the result of having the state's largest landfill  
9 in our midst. Some of it comes from a long history  
10 of manufacturing in the two towns. For example,  
11 Seneca Falls has two large manufacturing facilities  
12 that are closed and no longer usable due to  
13 environmental contamination and damage.

14 The Seneca machine factory is  
15 constantly looked at by potential developers, all of  
16 whom are overwhelmed by the cost of the cleanup  
17 required to make it usable space. The huge Philips  
18 Sylvania plant is an environmental catastrophe on the  
19 scale of a Superfund site. In all probability, both  
20 sites will be forever empty without ever having been  
21 cleaned up.

22 Seneca Falls will simply have to live  
23 with the contamination. The Evans Chemetics plant in  
24 Waterloo was for decades accused of polluting the air  
25 on the Seneca River before being forced to change

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2 their practices and procedures. As for the landfill,  
3 every public school in Waterloo and Seneca Falls is  
4 less than two-and-a-half miles from the entrance to  
5 Seneca Meadows. Two low-income housing developments  
6 are less than a mile from the entrance to Seneca  
7 Meadows.

8 Residential neighborhoods in Seneca  
9 Falls are less than one point five miles from the  
10 landfill. Residential neighborhoods in Waterloo are  
11 even closer. Besides being a repository for  
12 residential garbage from all over the Northeast in  
13 Canada, Seneca Meadows is the final resting place of  
14 toxic material that comes from environmental cleanup  
15 efforts all over the Northeast.

16 After the nearby Seneca Army Depot  
17 closed in 2010, unstable material from that cleanup  
18 was taken to Seneca Meadows. One nearby business  
19 owner recalls when some of that material actually  
20 self-ignited at the landfill. We think of a landfill  
21 as being a garbage that comes from our curbside  
22 pickup. It is so much more. Tens of thousands of  
23 gallons of leachate from the landfill are sent every  
24 day through the public sewer system to the Seneca  
25 Falls Wastewater Treatment Plant.

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2 That plant is ill-equipped to analyze  
3 and measure the kinds of contaminants contained in  
4 the leachate. The leachate is supposed to be  
5 pretreated at the landfill but there are serious  
6 allegations currently of untreated leachate being  
7 released into the sewer, whether inadvertently or  
8 deliberately. The wastewater treatment plant  
9 discharges into the Seneca River. It's impossible to  
10 believe that one hundred percent of the contaminants  
11 of the leachate have been removed before that  
12 release. In large rain events, the Seneca Falls  
13 sewer systems --

14 A.L.J. SHERMAN: Mr. Avery, your --  
15 your two minutes are up. Could you please conclude  
16 your remarks?

17 MR. AVERY: Okay. All of these items  
18 add up to an environmental threat to our -- to  
19 communities that's extraordinary. Declaration of  
20 Waterloo and Seneca Falls to be environmental justice  
21 communities would go a long way toward making sure  
22 the safeguards are in place that we so desperately  
23 need. Thank you.

24 A.L.J. SHERMAN: Thank you, Mr. Avery.  
25 Our next speaker is Allison Stokes. Allison Stokes?



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2 And if you are joining us by phone, you need to press  
3 star three to raise your hand.

4 MS. LINTON: Allison, I -- I clicked  
5 the button to request an unmute on your end. You  
6 should be able to unmute yourself now if you're  
7 there. If you're having any trouble unmuting feel  
8 free to give us a call at five one eight, four zero  
9 two, eight zero four four. I will try again, hold  
10 on. Well, I still don't see you unmuted. But  
11 Allison, please feel free to give us a call if you're  
12 having some trouble on your end. And we will come  
13 back to you I think. The number is five one eight,  
14 four zero two, eight zero four four.

15 A.L.J. SHERMAN: Thank you, Andrea.  
16 We'll move to our next speaker that is Valerie  
17 Sandlas. Valerie Sandlas? I see a hand raised.  
18 Have you unmuted that line, Ms. Linton?

19 MS. SANDLAS: Hi, this --

20 MS. LINTON: Yes.

21 MS. SANDLAS: -- this is Valerie? Can  
22 you hear me?

23 A.L.J. SHERMAN: Yes, we can. Please  
24 proceed.

25 MS. SANDLAS: Okay, my name is Valerie

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2 Sandlas, and I'm a resident of Seneca Falls. Even  
3 though it saddens me to suggest it I believe that  
4 Seneca Falls and our neighboring community, Waterloo,  
5 especially the areas near Seneca Meadows landfill  
6 should be considered an environmental justice  
7 community.

8 Not only are there two low-income  
9 housing units within a mile of Seneca Falls landfill,  
10 which is the largest in the state, all of the schools  
11 -- almost all of the schools in Seneca Falls and  
12 Waterloo are within a two-mile radius of the  
13 landfill. We have Seneca -- Seneca Stanton Meadows  
14 Apartments with one forty-two units and Lakeview  
15 Heights with forty. And as I said the -- most --  
16 almost all the schools in Seneca Falls and Waterloo.

17 This means that these populations are  
18 vulnerable to the hazardous impacts of Seneca Meadows  
19 landfill. Landfill gases and leachate are harmful to  
20 human health as well as our environment. According  
21 to the New York State Department of Health, quote,  
22 short term exposures to landfill gases can cause  
23 coughing, irritation to the eyes, nose, and throat,  
24 headaches, nausea, and difficulty breathing.

25 Research published in the Journal of

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2 Epidemiology in 2016 found that these symptoms are  
3 very prominent in children. If short-term effects  
4 are this problematic, imagine the harm that constant  
5 long-term exposure to landfill gases causes. The  
6 Seneca Falls Town wastewater facility processes  
7 approximately fifty thousand gallons of leachate per  
8 day. That alone is cause for concern.

9 But what happens when unexpected  
10 amounts of rain flood the town and the landfill with  
11 excessive amounts of water? There are over ten  
12 runoff ponds at the landfill which are supposedly  
13 only released when the contaminants are at safe  
14 levels. Contaminants being at safe levels is  
15 ridiculous to begin with. I'm concerned that  
16 contaminants due to excessive rains and flooding has  
17 seeped into the soil and groundwater near the school  
18 and housing around the landfill, along with any other  
19 water wells in close proximity.

20 Seneca Meadows landfill is the largest  
21 landfill in the state accepting six thousand tons of  
22 garbage a day. Seneca Falls and Waterloo residents,  
23 especially our children and other disadvantaged  
24 populations should not be breathing landfill gas and  
25 garbage or dealing with landfill leachate

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2 contamination. Sadly, Seneca Falls is definitely  
3 along with Waterloo an environmental justice  
4 community. Thank you for your time this evening.

5 THE REPORTER: Oh, excuse me, this is  
6 the court reporter. I need the spelling of your  
7 first and my last name please.

8 MS. SANDLAS: Yes, my first name is  
9 Valerie V-A-L-E-R-I-E. My last name Sandlas S as in  
10 snow A-N-D-L-A-S as in snow again.

11 THE REPORTER: Thank you.

12 MS. SANDLAS: You're welcome.

13 A.L.J. SHERMAN: Ms. Linton, are we  
14 able to provide the court reporter with the spelling  
15 of the names of all the pre-registered speakers?

16 MS. LINTON: Yes, I can email that.

17 A.L.J. SHERMAN: We will provide you  
18 all those spellings via email.

19 THE REPORTER: Okay, thank you.

20 A.L.J. SHERMAN: You're welcome. Our  
21 next speaker is Abigail Corfman. Abigail Corfman? I  
22 believe you are free to speak now, Ms. Corfman.

23 MS. LINTON: It looks like you're  
24 unmuted. Sometimes you can be double muted so I  
25 don't know if you're unmuted? If you need to unmute

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2 your phone or your computer or something like that?

3 A.L.J. SHERMAN: Your mute symbol is -  
4 - is now being removed, Ms. Corfman. Ms. Corfman,  
5 are you able to make your statement now?

6 MS. LINTON: We don't hear you, but if  
7 for some reason there's something on your end that's  
8 not working you can give us a call at five one eight,  
9 four zero two, eight zero four four, and we can try  
10 to walk you through whatever issue there might be.  
11 I'll try again though. Let me click one more time.  
12 We still don't hear you, unfortunately.

13 A.L.J. SHERMAN: Call the next speaker  
14 that is Mary Finneran. Mary Finneran? Again, if  
15 you're joining us by phone, please press star three.  
16 Our next speaker is Allen Blair. Alan Blair? Please  
17 go ahead, Mr. Blair.

18 MR. BLAIR: Yeah, can you hear me?

19 A.L.J. SHERMAN: We can. Thank you.

20 MR. BLAIR: Okay. My name is Allen  
21 Blair. I live in Brighton, New York, which is just  
22 outside of Rochester. I want to start by saying I'm  
23 in owe of the massive amount of work the climate  
24 justice working group has put into this effort.  
25 Overall, I think you've done a wonderful job, but it

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2 could be better and I hope my input will help. It  
3 was pointed out to me that three of the poorest  
4 census tracts in Rochester were excluded from the map  
5 of disadvantaged communities.

6 So I decided to look into it. It  
7 turns out they were excluded because they were ranked  
8 low on environmental burden even though their  
9 populations were ranked as highly vulnerable. Now,  
10 looking at other census tracts in my community, it  
11 looks like you have the population of vulnerability  
12 part right, but the environmental burden assessments  
13 seem off.

14 For instance, a neighborhood a block  
15 away from where I live was designated a disadvantaged  
16 community despite being middle class, solidly middle  
17 class, and mine wasn't. With a similar environmental  
18 burden criterion to my neighborhood yet it's listed  
19 as having a higher environmental burden ranking. And  
20 I don't really understand the difference.

21 For the excluded Rochester census  
22 tracts, their very high population vulnerability  
23 rankings weren't enough to overcome their very low  
24 environmental burden, but to can that environmental  
25 ranking be trusted? For that matter, shouldn't

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2 census tracts with a population vulnerability ranking  
3 of ninety-four percent be included, regardless of its  
4 environmental burden?

5 Even if you qualify the poorest  
6 households individually, these communities as a whole  
7 will have very few resources without help they will  
8 be left behind in the green transition. So I have  
9 two suggestions. First, recognize that you need  
10 better environmental burden data. In Rochester at  
11 least, your environmental burden rankings don't seem  
12 as accurate as they should be. Second, weight  
13 population vulnerability more highly in your D.A.C.  
14 assessments, otherwise, you'll miss too many really  
15 poor communities. Thanks for listening.

16 A.L.J. SHERMAN: Thank you, Mr. Blair.  
17 Our next speaker is Odette Wilkins. Odette Wilkins?  
18 And Mr. Blair, if you would hit star three again that  
19 will lower your hand for us. Thank you. Odette  
20 Wilkins, if you are joining us by phone, please press  
21 star three. Okay, we'll move to our next speaker.  
22 And I apologize in advance if I mispronounced your  
23 name. Adedoyin Adeeko. Adedoyin Adeeko?

24 Again, if you're joining us by phone  
25 we need you to press star three. Adedoyin Adeeko?

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2 Our next speaker is Arnold Gore. Arnold Gore?

3 MR. GORE: Gore from Brooklyn, New  
4 York, and I'm a member of New Yorkers 4 Wired Tech.  
5 The climate justice working group has designated  
6 census tracts for inclusion in D.A.C. is to benefit  
7 from climate change investment promoting a less  
8 polluting and sustainable environment. The estimate  
9 of the D.A.C. should include those who are  
10 electrically sensitive to electromagnetic fields not  
11 living in those census tracts.

12 The construction of a green  
13 infrastructure should not create more electrically  
14 sensitive people in the process of expanding  
15 broadband access. There have been many studies  
16 demonstrating that wireless communication technology  
17 does have serious effects, [cehcross.org/science](http://cehcross.org/science). If  
18 you page down there is a T-Mobile report on wireless  
19 cellphones that found serious effects and recommended  
20 measures to minimize exposure.

21 Fortunately, there is a solution to  
22 this problem. The fiber optic cable wired connection  
23 is safer, more secure, dependable, and faster. It  
24 has been used in other cities such as Chattanooga,  
25 Tennessee. See the -- the presentation of Dr.



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2 Timothy Schoecle S-C-H-O-E-C-L-E at website,  
3 newyorkers4wiretech.com/media. If you page down, you  
4 will see his presentation. Thank you for your  
5 listening.

6 A.L.J. SHERMAN: Thank you, Mr. Gore.  
7 That was all of our pre-registered speakers. I am  
8 going to go back through each of the pre-registered  
9 speakers that I already called to ascertain whether  
10 we can get their comments at this point beginning  
11 with Yasmin Guevara. Again, that's star three to  
12 raise your hand so we can unmute your line if you are  
13 joining us by phone. Diane Cohen? Oh, I see a hand  
14 raised, Ms. Linton.

15 MS. LINTON: I did click the request  
16 unmute button. I think you have to do something --  
17 oh, there we go.

18 A.L.J. SHERMAN: Please go ahead.

19 MS. SQUIRES: Yes, I registered --  
20 yes, I registered however, it sounds like you are  
21 moving into those who have not registered -- pre-  
22 registered so I just want to make sure. This is  
23 Michelle.

24 A.L.J. SHERMAN: I don't believe we  
25 have a Michelle as pre-registered. But please go

1 Disadvantaged Communities Criteria - 6/2/2022  
2 ahead and -- and make your comment. And make sure  
3 you -- you state your full name and spell it for our  
4 court reporter since it doesn't appear we have it  
5 pre-register.

6 MS. SQUIRES: Sure. Okay, it's  
7 Michelle Squires S-Q-U-I-R-E-S. I -- I'm a resident  
8 of Poughkeepsie, New York. I participate with New  
9 Yorkers 4 Wired Tech. And I just want to share with  
10 you that as a service to our assembly people and  
11 senators here in my region in 2018, I acquired an  
12 acoustic meter and took measurements throughout the  
13 city and town of Poughkeepsie.

14 So not unlike any region in the State  
15 of New York, our city is a -- is an economically  
16 disadvantaged city. I do want to submit now that any  
17 community that is not informed is a disadvantaged  
18 community. And it is subjected to projects like the  
19 Federal Register project, page fifty-two thousand six  
20 seventy-five to page fifty-two thousand six seventy-  
21 eight that actually implemented these innovation  
22 zones in which an untested 5G technology is placed.

23 And a similar technology was placed in  
24 our city. And when I measured levels in the city of  
25 Poughkeepsie, in comparison to the town, in -- in

1 Disadvantaged Communities Criteria - 6/2/2022  
2 2018, I noticed that the levels were far beyond what  
3 the bioinitiative.org recommended in outdoor spaces.  
4 And that very much -- that was really shocking to me.

5 And of course, my mind went to the  
6 amount of crime, the amount of unemployment, the  
7 amount of stress that these communities experience,  
8 and then understanding the -- the effects of R.F.  
9 microwave radiation on the brain. So I do submit  
10 that any community that is not informed and then  
11 subject to these initiatives that are dressed up like  
12 benefits to these communities, like broadband for all  
13 are actually harming the public that these  
14 initiatives sit within and they become human subject  
15 -- research subjects.

16 So you know, there's -- there's a  
17 code, there's a Nuremberg Code this flies in the face  
18 of this, and what we have now is approximately thirty  
19 percent of the population that is affected by R.F.  
20 microwave radiation that creates chronic conditions -  
21 -

22 A.L.J. SHERMAN: Excuse me. Ms.  
23 Squires, your --

24 MS. SQUIRES: -- call as E.M.S. --

25 A.L.J. SHERMAN: Ms. Squires, your two

1 Disadvantaged Communities Criteria - 6/2/2022  
2 minutes is up, could you conclude your remarks,  
3 please?

4 MS. SQUIRES: Yes. They call us  
5 E.M.S. injured. And these people I do submit to you  
6 are, you know, should be considered in the  
7 environmental justice community where, you know, we  
8 are being harmed, either by accident or on purpose.  
9 And we are being targeted. Wired broadband is the  
10 solution to this issue for now.

11 And I would hope that the climate  
12 justice working group would get behind that, instead  
13 of allowing this toxin to further disadvantaged the  
14 communities in which these facilities are -- are  
15 placed far beyond what's needed for five bars on a  
16 cellphone. Thank you very much.

17 A.L.J. SHERMAN: Thank you, Ms.  
18 Squires. Our next speaker is Diane Cohen. Diane  
19 Cohen? Again if you're joining us by phone please  
20 press star three. Our next speaker is Yvonne Taylor.  
21 Yvonne Taylor? Allison Stokes? Allison Stokes?

22 MS. LINTON: Allison, I did click --  
23 click the request the unmute button. I think you  
24 need to click something on your ends. You may see  
25 something at the bottom of your screen that says --

1 Disadvantaged Communities Criteria - 6/2/2022  
2 at the very bottom like a button you can click to  
3 unmute. That may be able to get you connected.  
4 Well, I've -- I've clicked the button again still not  
5 sure if there's something on your end that's going  
6 wrong here, unfortunately.

7 But just let us know if you can --  
8 should be able to click something on your ends it'll  
9 unmute you and we'll be able to hear you. Okay, it  
10 looks like you're unmuted.

11 A.L.J. SHERMAN: Oh, it looks like you  
12 are. Ms. Stokes? Ms. Stokes?

13 MS. LINTON: So it looks like you're  
14 unmuted on our end. If you may be double muted I'm  
15 not sure. It looks like you're using a headset  
16 perhaps. You may need to unmute yourself on your end  
17 to be able to let us hear you. Unfortunately, we're  
18 still not hearing you. I'm not sure if there's  
19 something you need to click on your end.

20 A.L.J. SHERMAN: If you're having  
21 technical problems, you can call us at five one  
22 eight, four zero two, eighty forty-four and we will  
23 try to walk you through why your line is not unmuting  
24 on your end. I'm afraid we're going to have to move  
25 to our -- our next speaker because we don't seem to

1 Disadvantaged Communities Criteria - 6/2/2022  
2 be able to get your comments at this time. Our next  
3 speaker is Abigail Corfman. Abigail Corfman?

4 MS. LINTON: It looks like you're  
5 unmuted. You should be all set.

6 MS. CORFMAN: Can you hear me?

7 A.L.J. SHERMAN: We can. Please,  
8 proceed.

9 MS. COREFMAN: Thank you. My name is  
10 Abigail Corfman. I live in the 19 ... My address is  
11 331 Thurston Road, Rochester, New York. First of  
12 all, thank you for doing all this. I'm sure it was a  
13 complicated logistical challenge to produce this map.  
14 And I appreciate that the effort towards detail that  
15 this hearing represents.

16 The map of places classified as  
17 disadvantaged communities has a little blotch in the  
18 middle of the 19 ... that doesn't qualify. I know  
19 that Rochester is relatively protected from climate  
20 change, at least compared to the rest of the world.  
21 But living here, I can absolutely, absolutely assure  
22 you that this is a very disadvantaged community,  
23 mostly low-income and BIPOC.

24 I'm super privileged, but I'm very  
25 worried about my neighbors and their ability to

1 Disadvantaged Communities Criteria - 6/2/2022  
2 weather the coming storm of climate trouble.  
3 According to the notice that brought my attention to  
4 this our community has economic and health  
5 vulnerabilities that are higher than eighty-four to  
6 ninety-six percent the census tracts statewide. And  
7 I feel like the fact that this area was not  
8 designated that speaks to an issue with the criteria  
9 and I would urge you to reconsider it, please. Thank  
10 you very much for your time. I'm done.

11 A.L.J. SHERMAN: Thank you, Ms.  
12 Corfman. And if you could press -- thank you, star  
13 three to lower your hand. Next speaker is Mary  
14 Finneran. Mary Finneran? Our next speaker is Odette  
15 Wilkens. Odette Wilkens? Star three -- if you're  
16 joining us by phone press star three that way we can  
17 identify you and unmute your line. Our next speaker  
18 is Adedoyin Adeeko. Adedoyin Adeeko?

19 All right, that is twice through all  
20 of our pre-registered speakers. Ms. Linton, were you  
21 able to get Mr. Stokes on the line to identify the  
22 problem with getting her comment?

23 MS. LINTON: No, I didn't, but I let  
24 our tech support person Maria know. Allison, feel  
25 free to give her a call. Again, five one eight, four

1 Disadvantaged Communities Criteria - 6/2/2022  
2 zero two, eight zero four four, and we'll see if we  
3 can try to figure out what the issue is. You can  
4 also call in instead of joining online, that might  
5 work. That number is five one eight, five four nine,  
6 zero nine hundred and you can enter the webinar  
7 number that was in your meeting invite. We'll see if  
8 we can get you on that way. Thank you.

9 A.L.J. SHERMAN: Ms. Linton?

10 MS. LINTON: Yes, I -- I do see we  
11 have a couple of raised hands.

12 A.L.J. SHERMAN: Well, I am ready to  
13 open up the floor now to individuals who have not  
14 pre-registered. So if you could unmute the first of  
15 the -- of the raised hands, we will get the comment  
16 from that individual. And again, if you're calling  
17 in and we don't have your name, the correct spelling  
18 of your name, please state and spell your full name  
19 for the Court Reporter

20 MS. LINTON: So Anton, you have been  
21 unmuted.

22 MS. DISAV: Yes. Hi, can you hear me?

23 A.L.J. SHERMAN: We can.

24 MS. DISAV: Okay great. My name is  
25 Anton Disav from Shokan in New York City. I just



1 Disadvantaged Communities Criteria - 6/2/2022  
2 wanted to highlight the dangers of smart meters which  
3 are mostly placed and/or close to basements where  
4 mostly lower income folks live. Many people have  
5 been getting sick with headaches, dizziness, insomnia  
6 after the installation of smart meters and not  
7 knowing why.

8 E.M.F.s from smart meters and 5G is  
9 considered an air pollutant. We need to have an opt-  
10 out for those people and safety measures for those  
11 living in disadvantaged areas and non-disadvantaged  
12 areas, but the disadvantage folks are much more  
13 vulnerable because they can't or don't know how to  
14 seek help. Thanks for your time.

15 THE REPORTER: Can I -- this is the --

16 A.L.J. SHERMAN: Thank you.

17 THE REPORTER: -- court reporter. Can  
18 I get the spelling of your last name, please? Oh,  
19 she's muted.

20 MS. LINTON: I did click the request  
21 unmute button.

22 MS. DISAV: Sorry, it's D-I-S-A-V.

23 THE REPORTER: D-I-

24 MS. DISAV: S-A-V.

25 THE REPORTER: Thank you.

1 Disadvantaged Communities Criteria - 6/2/2022

2 MS. DISAV: Thanks.

3 A.L.J. SHERMAN: And if you would  
4 press star three to lower your hand. We have another  
5 call-in user with their hand raised, Ms. Linton?

6 MS. LINTON: Yes, I have clicked the  
7 unmute button. Here we go.

8 MR. FERGUSSON: Good evening. Thank  
9 you for the opportunity to comment. My name is Brady  
10 Fergusson. First name is spelled B-R-A-D-Y, last  
11 name is spelled F-E-R-G-U-S-S-O-N. And I live at 28  
12 Nelson Street, Rochester, New York. I appreciate the  
13 attention and effort that the climate justice working  
14 group is putting into getting the disadvantaged  
15 communities criteria.

16 And overall, I think they did a good  
17 job. I have one suggestion for improvement, and that  
18 would be to change the criteria so that a community  
19 with high, extremely high population qualifies as a  
20 disadvantaged community, even if they have a very low  
21 environmental burden.

22 This is particularly concerning for  
23 me, because here in Rochester we have six census  
24 tracts in the southwest and the northeast part of our  
25 city that I believe deserve to be qualified as

1 Disadvantaged Communities Criteria - 6/2/2022  
2 disadvantaged communities, but right now they did not  
3 meet the criteria.

4 These are communities that were  
5 redlined, these are communities that have been  
6 historically marginalized, and these are communities  
7 that today have populations vulnerability higher than  
8 eighty-four to ninety-six percent of census tracts in  
9 our state, but because their environmental burden  
10 number is lower, they do not qualify.

11 So I would suggest that the criteria  
12 be changed so that census tracts that has a very high  
13 population vulnerability will, excuse me, with a very  
14 high population vulnerability, let's say higher than  
15 eighty percent should automatically qualified even if  
16 their environmental burden is only one percent  
17 because all of us are going to feel the impacts of  
18 climate change. And even with a low environmental  
19 burden that they're still going to need more  
20 assistance to adjust to that. So that would be my  
21 suggestion. And I -- I appreciate the time to  
22 comment.

23 A.L.J. SHERMAN: Thank you, Mr.  
24 Fergusson. Please press star three to lower your  
25 hand. And a reminder, if you're viewing this online,

1 Disadvantaged Communities Criteria - 6/2/2022  
2 you -- you can raise your hand by pressing the hand  
3 symbol at the bottom of your screen. And call in  
4 users can raise their hand by pressing Star Three.  
5 And not seeing any additional raised hands, Ms.  
6 Linton?

7 MS. LINTON: No, I'm not. But feel  
8 free anyone to raise your hands if you have any  
9 additional comments you'd like to make.

10 A.L.J. SHERMAN: I'm going to take a  
11 brief recess for about five minutes. It gives you an  
12 opportunity to check the call-in number and see if  
13 anyone is still trying to determine how to unmute  
14 their lines so they can make their comment. Before  
15 the recess I'll remind people again that written  
16 comments are -- may be received by the agency until  
17 July 7th, 2022.

18 And the email address for submissions  
19 of comments is dacommentts all on word  
20 dacommentts@dec.ny.gov. For those on the internet  
21 that is on your screen right now. And the mailing  
22 address is Draft DAC Comments, that's Draft D-A-C  
23 Comments N.Y.S. D.E.C., Attention Office of  
24 Environmental Justice 625 Broadway, 14th Floor,  
25 Albany, New York 12233.

1 Disadvantaged Communities Criteria - 6/2/2022  
2 Again, that is Draft DAC Comments  
3 N.Y.S. D.E.C., Attention Office of Environmental  
4 Justice, 625 Broadway, 14th Floor, Albany, New York  
5 12233. We will now take a short recess. It looks  
6 like it is just about seven, we will come back at --  
7 shortly after seven o'clock and we'll ask if there's  
8 anyone that would like to make a comment. Thank you  
9 for your patience.

10 (Off the record; 6:59 p.m. to 7:03  
11 p.m.)

12 THE REPORTER: Okay, we are back on  
13 the record.

14 A.L.J. SHERMAN: All right. During  
15 the recess, we did check our technical assistance  
16 line and confirm that there were no other individuals  
17 that were looking for assistance through -- through  
18 our assistance line. If there are any other  
19 commenters who would like to speak now, please feel  
20 free to raise your hand. I do see a hand up from a  
21 call-in user.

22 MS. LINTON: Here we go.

23 A.L.J. SHERMAN: You should be able to  
24 go ahead now.

25 MS. SQUIRES: Okay, thank you. I --

1 Disadvantaged Communities Criteria - 6/2/2022

2 A.L.J. SHERMAN: Could you state your  
3 -- your full name and spell it for us, please?

4 MS. SQUIRES: It's Michelle Squires,  
5 S-Q-U-I-R-E-S.

6 A.L.J. SHERMAN: Squires.

7 MS. SQUIRES: I just really wanted to  
8 speak in closing that the climate justice working  
9 group could really make a huge impact on the entire  
10 country based on the ruling that occurred August  
11 13th, 2021 of the case E.H.T.C.H.D. et al F.C.C., in  
12 which the F.C.C. lost that case that -- and -- and  
13 the ruling showed that the F.C.C.'s guidelines for  
14 R.F. microwave radiation above, I think it was six  
15 GHz, was arbitrary and capricious.

16 So the fact that -- that communities  
17 of color, and now other communities are being  
18 bombarded with this particular toxin, creates  
19 disadvantaged communities where people fall ill,  
20 chronically ill, and they don't really, and their  
21 doctors don't really know what's wrong. And it -- it  
22 does begin to impact employment, and all kinds of  
23 things, so mental health, physical health.

24 So it is the most insidious toxin I  
25 can think of right now, where now not only do town

1 Disadvantaged Communities Criteria - 6/2/2022  
2 councils poison their residents but neighbor poisons  
3 neighbor. Because, again, we are or as a -- as a  
4 community, we're largely uninformed about this toxin.  
5 And it -- it does provide the climate justice working  
6 group with an outstanding opportunity to inform the  
7 public as our press has not done, because our press  
8 has been co-opted by the industry.

9 It was designed to, you know, protect  
10 us from. So you know, I -- I just wanted to close  
11 with that. And of course, fiber optic is the way to  
12 go until we find a better way of receiving broadband.  
13 But it is more secure, it's healthier, and it's  
14 better positioned for the future, it doesn't have as  
15 much planned obsolescence as all of these -- all  
16 these frequencies that are ramped up over and over  
17 again in an effort to, gosh, I don't know, do what?  
18 Make sure that we can download a movie in three  
19 seconds, driverless cars? So under --

20 A.L.J. SHERMAN: Ms. -- Ms. Squires,  
21 your --

22 MS. SQUIRES: -- the industry once  
23 again --

24 A.L.J. SHERMAN: -- you time is up,  
25 Ms. Squires?

1 Disadvantaged Communities Criteria - 6/2/2022

2 MS. SQUIRES: That -- that's it.

3 That's my closing --

4 A.L.J. SHERMAN: Thank you.

5 MS. SQUIRES: -- comment.

6 A.L.J. SHERMAN: Thank you, Ms.

7 Squires.

8 MS. SQUIRES: Yeah.

9 A.L.J. SHERMAN: And again, if you'd  
10 press star three again to lower your hand.

11 MS. SQUIRES: Yeah.

12 A.L.J. SHERMAN: And of course, if you  
13 wanted to submit more extensive comments, you can  
14 always do so in writing at the addresses that I had  
15 indicated earlier. Again, I am opening up the floor  
16 if there're any remaining commenters please raise  
17 your hand. You can do so by phone by pressing star  
18 three. If you've joined us by internet, there should  
19 be a hand symbol at the bottom of your screen that  
20 will raise your hand for us.

21 I am not seeing any additional  
22 speakers. So with that, I will remind folks that  
23 there are additional opportunities for public  
24 comment, both the written submissions which I spoke  
25 to earlier, and the seven remaining public comment



1 Disadvantaged Communities Criteria - 6/2/2022  
2 hearings. There are three in-person public comment  
3 hearings. All of them will be at six p.m. The first  
4 is at Grace Baptist Church 52 South 6th Avenue, Mt.  
5 Vernon, New York. And that is on Friday two-ten.

6 The next is at the D.E.C. Region Two  
7 Office at 47-40 21st Street, the Eighth Floor, and  
8 that's in Long Island City, New York, that's on  
9 Tuesday, June 14th. And then the PUSH Buffalo School  
10 77 429 Plymouth Avenue, Buffalo, New York that is on  
11 Thursday, June 23rd. The four remaining virtual  
12 hearings are for the Central New York Mohawk Valley  
13 on Wednesday, June 15th.

14 For the North Country Capital Region  
15 on Tuesday, June 21st. For Hudson Valley on  
16 Wednesday, June 29th. And for Western New York on  
17 Thursday, June 30th. Details on how to attend those  
18 hearings can be found at [climate.ny.gov](http://climate.ny.gov). Again,  
19 that's [climate.ny.gov](http://climate.ny.gov). We can make one more offer  
20 for any commenters -- commenters that might be out  
21 there.

22 If you would like to make a comment  
23 and you've joined us by phone, please press star  
24 three. If you join us by the internet, please raise  
25 your hand by hitting the hand symbol at the bottom of

1 Disadvantaged Communities Criteria - 6/2/2022  
2 your screen. Seeing no raise hands, we are  
3 adjourned. Thank you very much for your patience and  
4 your comments.

5 (The hearing concluded at 7:10 p.m.)  
6  
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1 Disadvantaged Communities Criteria - 6/2/2022

2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 42, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 23rd day of June, 2022.

11

12 HOWARD HUBBARD, Reporter

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