

1 Disadvantaged Communities Criteria - 6/15/2022

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Public hearing on the
5 Draft Disadvantaged Communities Criteria

6 PUBLIC COMMENT HEARING

7 DATE: June 15, 2022 at 6:01 p.m.

8 VENUE: WebEx

9 BEFORE: A.L.J. MICHELE M. STEFANUCCI

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Reported by Howard Hubbard

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2 APPEARANCES:

3 MARIA KATCHMAR, CO-HOST

EMMA ANTOLOS, CO-HOST

4 ALANAH KEDDELL-TUCKEY, OFFICE OF ENVIRONMENTAL JUSTICE

MARIA KATCHMAR, D.E.C.

5 TYLER PICARD, NYSERDA

ISAIAS VEGA, INTERPRETER

6 LOUIS ALEXANDER

7 SPEAKERS:

ODETTE WILKENS

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WALT AIKMAN

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2 (The hearing commenced at 6:01 p.m.)

3 MR. HUBBARD: Okay, I have us on the
4 record.

5 A.L.J. STEFANUCCI: Good evening. My
6 name is Michelle Stefanucci and I'm an Administrative
7 Law Judge with the New York State Department of
8 Environmental Conservation. I will be presiding over
9 tonight's public comment hearing to receive comments
10 on the draft disadvantaged communities criteria. On
11 behalf of DEC and NYSERDA, I would like to thank you
12 for joining us tonight and participating in this
13 important process. The DEC in partnership with
14 NYSERDA is holding 11 public hearings across the
15 State to receive public comment on the draft criteria
16 and to help the implementation of the State's Climate
17 Leadership and Community Protection act. New York's
18 Climate Justice Working Group, which includes
19 representatives from environmental justice groups
20 from across the State and representatives of involved
21 agencies voted to release the draft criteria for
22 public review. The public comment period commenced
23 in March and will end on July 7th, 2022. The draft
24 criteria may be found at climate.ny.gov. The
25 criteria are based on geographic public health,

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2 environmental hazard, and socioeconomic factors. In
3 a moment, Alanah Keddell-Tuckey, the director of
4 DEC's Office of Environmental Justice, will give a
5 brief overview of the work to date and the draft
6 criteria. This public hearing is being held through
7 the WebEx platform. Notice of this hearing was
8 published in the environmental notice bulletin on May
9 4th, 2022. Assisting with the hearing today are
10 members of DEC's Office of Communication Services.
11 People are attending today's hearing over the
12 internet or by phone. In either case you should have
13 audio input from only one device. Otherwise you may
14 experience problems with feedback. Everyone has been
15 muted upon entry. If you experience any technical
16 issues, please call (518) 402-8044. Again, the
17 number is (518) 402-8044. The purpose of today's
18 hearing is to allow members of the public to comment
19 on the draft disadvantaged communities criteria.
20 This is not a question and answer session.

21 Public comments will be accepted here
22 tonight and at four additional public hearings.
23 Please note that written comments may be submitted
24 until July 7th, 2022 written comments are given the
25 same weight as oral comments. Comments submitted by

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2 e-mail must be received by the department by 5:00
3 p.m. on July 7th, 2022. Comments submitted by mail
4 must be postmarked by July 7th, 2022. The e-mail
5 address for submission of comments is
6 dacomment@dec.ny.gov, D-A-C-C-O-M-M-E-N-T-S@D-E-
7 C.N-Y.G-O-V The mailing address for comments is
8 draft.comments. New York State DEC. Attention,
9 Office of Environmental Justice, 625 Broadway 14th
10 floor Albany, New York, 12233. Anyone who wished to
11 speak tonight was asked to preregister and we will
12 call registered speakers first. As we have done at
13 each of these public hearings, we are going to limit
14 speakers to two minutes. Please be respectful of the
15 time limit. For those attending over the internet.
16 There will be a two minute timer on the screen to
17 help you keep track of your time. Note that closed
18 captioning is available if you have joined via the
19 internet. You will see an option to use this service
20 on the lower left side of the WebEx page you're
21 viewing now. Please click on the CC symbol for
22 closed captioning. Again, if you experience any
23 technical issues, you may call us at (518) 402-8044.
24 Before we begin the public comment, Director, Alanah
25 Keddell-Tuckey would like to give a brief

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2 presentation. Director?

3 MS. KEDDELL-TUCKEY: Thank you. Can
4 everyone hear me?

5 A.L.J. STEFANUCCI: Yes.

6 MS. KEDDELL-TUCKEY: Thank you. Good
7 evening, everyone. My name is Alanah Keddell-Tuckey
8 and I am the director for the Office of Environmental
9 Justice at the Department of Environmental
10 Conservation. I'm also the chair of the State's
11 Climate Justice Working Group. I want to start by
12 thanking everyone for joining us this -- for this
13 public hearing on the draft communities criteria.
14 The Climate Act is the nation's most ambitious
15 climate change related legislation. Its goal is to
16 reduce New York State's greenhouse gas emissions from
17 all human activities by a hundred percent over 1990
18 levels by the year 2050. With an incremental target
19 of at least 40 percent reduction in greenhouse gases
20 by the year 2030. At least 85 percent of reductions
21 by 2050 must come from preventing the release of
22 greenhouse gas. Implementing the Climate Act will
23 create opportunities to build a better future. To
24 ensure this work also advances climate justice the
25 Climate Act mandates that at least 35 to 40 percent

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2 of all benefits of New York State spending on clean
3 energy accrue in disadvantaged communities, State
4 agencies are also required to prioritize greenhouse
5 gas emissions and pollutant reductions in
6 disadvantaged communities. This includes DEC in the
7 drafting of regulations to meet the greenhouse gas
8 emissions limits that are required by the Climate
9 Act, the identification and prioritization of
10 disadvantaged communities in the accounting for
11 benefits of cutting pollution and improving
12 resilience is what makes our Climate Act such a
13 transformative law. To identify disadvantaged
14 communities in New York, the Climate Justice Working
15 Group was guided by the language of the Climate Act
16 in identifying disproportionately burden communities.
17 They voted to include 45 indicators using data on
18 environmental hazards, climate change, risks, public
19 health issues, geography, and socioeconomic factors
20 like race, income, education levels, unemployment
21 rates, and housing conditions. Additionally, the
22 draft disadvantaged communities designations are
23 reflective of the working group, their lived
24 experiences and the lived experiences of residents of
25 these historically overburdened and underfunded

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2 communities.

3 Each census tract is scored based on a
4 relative burden risk vulnerability, or sensitivity.
5 Specifically the percentile ranks of the indicators
6 for each census tract are combined to produce a value
7 that measures a census tracks, relative level of
8 environmental burdens and climate change risks, as
9 well as population characteristics and health
10 vulnerabilities relative to other tracks. Tracks
11 with higher scores relative to other tracks in the
12 State or their region were identified as
13 disadvantaged communities. The working group also
14 voted to include low income households with incomes
15 at 60 percent, the State medium income -- median
16 income as disadvantaged for the purposes of benefits
17 and investments. Based on the criteria you will see
18 that 41 percent of households in Mohawk Valley
19 region, fall to the disadvantaged communities
20 criteria with 16 percent of those households in
21 geographic disadvantaged communities. Additionally,
22 in central New York, 48 percent of households in the
23 region are in the expanded disadvantaged communities
24 definition with 33 of those located in geographic
25 disadvantaged communities. Again, I'd like to thank

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2 everyone for coming tonight to this hearing. It's
3 very important for the Climate Justice Working Group
4 to hear from the public, to hear how the
5 disadvantaged community's criteria is being received
6 and to make sure that we're doing things right. So I
7 hope that everyone has an opportunity to comment.
8 And thank you.

9 A.L.J. STEFANUCCI: Thank you
10 director. We will now take public comments. For
11 internet participants, when we call your name to
12 speak, your line will be unmuted. If you're
13 participating by phone, we'll ask you to press star
14 three, to raise your hand so that we can unmute your
15 line. Please do not press star three until we have
16 called your name, please begin with your name and
17 address. And if you are speaking on behalf of
18 someone or a group, identify who it is that you are
19 representing. Please speak loudly, slowly, and
20 clearly, so that the court reporter can properly
21 record your comments. Our first speaker tonight is
22 David Turner. David Turner. Mr. Turner, your line
23 is unmuted. I do not see that name listed right now.
24 If you're a calling user, if you can press star three
25 to raise your hand, I'll request that your line be

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2 unmuted. Don't see any raised hands. So you know,
3 it will come back to Mr. Turner and we'll take our
4 next speaker. Our next speaker is Kathleen Gasparini
5 (phonetic). I do not see Ms. Gasparini listed.
6 Perhaps she's participating by phone. Ms. Gasparini,
7 if you're participating by phone, can you please
8 press star three? I don't see any raised hands. I
9 will now go to our next speaker, Barbara Hartel
10 (phonetic spelling). Ms. Hartel. I don't see your
11 name listed for participating by the internet, but if
12 you're participating by phone and you pressed star
13 three, we can unmute your line and you can make your
14 comment. I don't think Ms. Hartel is with us
15 tonight. So we'll go to our last registered speaker
16 for the evening. Leah Dunn (phonetic spelling). Ms.
17 Dunn. If you're participating in tonight's public
18 comment, hearing by phone, you can press star three
19 to unmute your line. I don't see any raised hands at
20 this time. If there's anyone else participating
21 tonight who would like to make a public comment you
22 can raise your hand if you're participating by
23 internet, or if you're participating by phone, you
24 can press star three and we can give you an
25 opportunity to make your public comment. We do have

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2 a few that have raised their hands. We can call on
3 the first person Odette Wilkens, I'm going to request
4 that you unmute your line. You should have seen a
5 request to unmute, coming through on your line and
6 you have to click. Yes. There you go. You're
7 unmuted --

8 MS. WILKENS: Thank you so much. Can
9 you hear me now?

10 A.L.J. STEFANUCCI: Yes.

11 MS. WILKENS: Thank you. My name is
12 Odette Wilkens and I'm President in General Counsel
13 of Wired Broadband, Inc. in Forest Hills, New York.
14 There is a large diverse and growing disadvantaged
15 community of disabled individuals who suffer
16 significant injuries from radio frequency, radiation
17 exposure, from wireless base station, cell towers, 5G
18 cells and smart meters, which I'll collectively call
19 wireless infrastructure. Their injuries can include
20 dizziness, loss of appetite, heart palpitations,
21 tremors, vision problems, tinnitus, nose bleeds,
22 asthma reproductive problems, and headaches. And
23 that's just a few. And these injuries can give rise
24 to impairments that substantially limit one or more
25 major life activities. These people are called

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2 electromagnetically sensitive or disabled or EMS
3 disabled. A wireless infrastructure is being placed
4 right next to their homes, businesses, schools,
5 medical facilities, and other public locations.
6 Radio frequency radiation cannot be perceived with a
7 naked eye or by smell such as gas leaking from a
8 stove, and therefore goes unnoticed until one is
9 injured by it. The EMS disabled have been
10 unsuspecting victims of their injuries that have now
11 become their disabilities. In 2011, the WHO
12 classified wireless radiation as a possible
13 carcinogen. Recently scientists, including those
14 from the WHO are calling for wireless radiation to be
15 classified as a carcinogen. Children are also
16 unsuspecting victims and are a vulnerable population.
17 School children were found to have a higher risk of
18 diabetes type two, and had deficits in their motor
19 skills because of meters of the cell tower that were
20 placed 200 meters from their schools. The same thing
21 with firefighters. Now, I also wanted to say that
22 wireless is not clean energy and energy consumption
23 from 5G infrastructure is expected to increase 61
24 times between 2020 and 2030 due to the energy demands
25 of 5G cells. And that's called electro smog. I just

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2 want to say in conclusion, that the decarbonization
3 of New York cannot occur without the decarbonization
4 of electro smog, and unless that gets handled, New
5 York State will fail to reach the stated goal of net
6 zero emissions in all sectors of the economy by 2050.
7 Thank you very much.

8 A.L.J. STEFANUCCI: Thank you for your
9 comments Ms. Wilkens. Next up we have Walt Aikman
10 (phonetic).

11 MR. AIKMAN: Can you hear me?

12 A.L.J. STEFANUCCI: Yes, I can. You
13 may begin your comments.

14 MR. AIKMAN: Terrific. Thank you very
15 much. My name is Walt Aikman. I live in Auburn, New
16 York. And I wanna thank you very much for all your
17 hard work in going about the State to explain this
18 project, this law and solicit our input. I think
19 it's very, very important. I am a PhD and certified
20 community forestry consultant. I work with
21 municipalities and private landowners to plant and
22 maintain tree cover, that is of enormous benefit in
23 the addressing of the issues of climate change. I've
24 worked in Africa, in the Caribbean, and in the number
25 of municipalities here in New York State. My main

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2 concern is that we need to plant a lot more trees.
3 We need to plant small forest stands and shrubs in
4 neighborhoods that suffer a tremendous problem we
5 call tree equity. And along with disadvantaged
6 communities come somewhat less a forest cover. And
7 planting trees is a very cost effective ways of
8 sequestering carbon, but also lowering temperatures
9 in our inner cities.

10 The challenges is that to do more
11 planting at the local level, we need financial
12 support from agencies like DEC. I've worked very
13 closely with DEC and their forestry grant program,
14 and I think the administration and the administrators
15 and the funds are very, very helpful. I just wanna
16 call your attention to the fact that these grants are
17 very difficult to secure and even more importantly
18 they're very complicated to administer. Local
19 communities cannot often secure the support they need
20 from local government to administer these grants
21 because local municipalities cannot justify the time
22 for a \$20,000 grant that whereas that staff time
23 could also be directed, let's say at a 20 million
24 dollar housing project, it's the same amount of
25 administrative time. Somehow we need your help to

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2 streamline the administration of these very important
3 grants. Thank you for your time. I hope you guys
4 are safe and happy. Bye.

5 A.L.J. STEFANUCCI: Thank you for your
6 comments. At this time is there anyone else who is
7 not registered, who would like to make a comment
8 tonight and raise your hand if you're participating
9 via internet or star three, if you're participating
10 by phone. I don't see any other raised hands at this
11 time. What I would like to do is to take a five
12 minute recess to give folks some additional time to
13 log in. So if we can go off the record and then come
14 back on at 6:25.

15 (A recess was taken until 6:25 p.m.)

16 MR. HUBBARD: Okay. We're back on the
17 record.

18 A.L.J. STEFANUCCI: Thank you. I
19 would like to recall at this time, our registered
20 speakers to see if anybody has joined us during the
21 recess. Remember if you're participating on the
22 internet, you can raise your hand. If you're
23 participating by phone, you can press star three.
24 First would be David Turner? Kathleen Gasparini?
25 Barbara Hartel? Leah Dunn? I don't see any raised

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2 hands at this time. And I would like to just open up
3 the floor one last time to see if there's any
4 individuals who didn't register, but would like to
5 make a public comment tonight. And you can raise
6 your hand or press star three, if you're
7 participating by phone. I don't see any additional
8 individuals wishing to make a comment at this time.
9 Want to tell you a little bit about the remaining
10 hearings. We have four remaining hearings. The next
11 one is going to be in the North Country Capital
12 region by WebEx. That's gonna be Tuesday, June 21st
13 at noon. After that, there will be one in Western
14 New York at the Push Buffalo School, 77 on 429
15 Plymouth Avenue in Buffalo, New York. And that
16 hearing will be in person. And the date for that is
17 Thursday, June 23rd at six p.m. There'll be the
18 Hudson Valley virtual hearing, which will be by the
19 WebEx platform. And that will be Wednesday, June
20 29th at noon. And the final hearing will be in
21 Western New York on the WebEx platform. And that
22 will be Thursday, June 30th at noon. And details for
23 how to attend these hearings can be found at
24 climate.newyork.gov, that's climate.newyork.gov.
25 That concludes tonight's hearing.

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I want to thank you all again for your participation, and I wanna wish you a good evening.

(The hearing concluded at 6:28 p.m.)

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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 17, 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 5th day of July, 2022.

11

12 HOWARD HUBBARD, Reporter

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