

Expert Blog

# New York State Legislative Session Wraps Up: What's In and What's Out?

In the wake of the 2024 New York State Legislative session, we celebrate victories and grapple with political challenges.

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## Congestion Pricing

The last week of the 2024 New York state legislative session, where many bills are voted on at session's end, was upended by a stunning announcement by Governor Hochul to pause "indefinitely" the congestion pricing tolling plan. Congestion pricing, which NRDC has supported for decades, will charge drivers entering Manhattan at 60<sup>th</sup> Street or below, \$15 during peak traffic periods, and \$3.75 at night. Trucks would pay \$24-36 during peak period and \$6-9 overnight. The benefits of the

plan, already adopted by other cities like London and Stockholm, would provide funding for the replacement of worn-out rail and signal equipment, finance a fleet of electric buses, increase funding to the Long Island and Metro North Rail Roads, and lead to major improvements in security and safety.

By removing an estimated 100,000 vehicles from the Central Business District, the tolling plan would unsnarl midtown's notorious traffic congestion and dramatically improve the area's air quality, a major public health benefit. Hochul's pause also created a \$1 billion hole in the MTA budget which must be filled. Critical legislative initiatives like the NY Heat Act, a gas stove labeling bill, and bill to limit plastic waste pollution (described below) were buried beneath the announcement of this dramatic policy shift.

Two important bills that *did* pass both houses this legislative session were the Climate Superfund Act and the Good Food NY bill. And while other bills did not, there may be a second bite of the apple in July if the legislature returns for a special session to address the MTA budget crisis.

### **Good Food NY**

The New York Legislature passed first-of-its-kind state legislation that could help transform the way cities and towns purchase food for public schools, child and senior care centers, hospitals, and other municipal institutions.

The Good Food NY bill

<https://www.nysenate.gov/legislation/bills/2023/s6955/amendment/a>

(S6955A /A7264A), which still needs to be signed by Governor Hochul to become law, removes archaic statutory obstacles so that localities can use their public dollars to buy healthier and more sustainability and equitably produced food. The bill will also make it easier for municipalities to purchase food from local farms, which often struggle to survive economically. Passage of this bill reflects over three years of work by a 70+ group coalition led by Community Food Advocates of NY

<https://www.foodadvocates.org/good-food-purchasing-program> and the

Good Food Buffalo Coalition that encompasses environmental, animal, public health, labor, and local farm advocates. The prime sponsors were Assemblymember Crystal Peoples-Stokes, the Majority Leader of the NYS Assembly, and Senator Michelle Hinchey, who chairs the Committee on Agriculture. If enacted, the bill will make New York a national leader in the movement [for values-based food purchasing](https://goodfoodpurchasing.org/).

### **Climate Change Superfund Act**

The Climate Change Superfund Act, spearheaded by allies at NYPIRG and Food and Water Watch, passed both houses and will soon go to Governor Hochul's desk. This bill is a big success because it will require fossil fuel polluters to pay for costs associated with climate change, including climate resiliency projects. The Climate Change Superfund Act creates a 25-year dedicated fund that will raise three billion dollars annually, financed by fossil fuel corporations, with one-third of the funds reserved for disadvantaged communities disproportionately impacted by the climate crisis. New York is only the second state to pass such a law, with Vermont leading the way.

### **PFAS**

In the 2024 legislative session, NRDC and partners formed the PFAS-Free NY coalition and called for the passage of a package of bills to protect people and the planet from per- and polyfluoroalkyl substances (PFAS). This package included:

- A bill to eliminate PFAS in key consumer and household products (A3556E/S5648F), like dental floss, cookware, ski wax, textiles, and more;
- The Beauty Justice Act, which would eliminate PFAS and other toxic chemicals in personal care and cosmetic products (A6969A/S4265A);
- A bill to eliminate PFAS and other toxic products in menstrual products (A5990A/S3529A); and

- The PFAS Discharge Disclosure Act, which would require testing industrial and wastewater discharge released into waterways for the presence of PFAS chemicals (A3296A/S227B).

These bills recognize that protecting people and the environment from PFAS exposure and contamination begins with the elimination of non-essential uses of PFAS that can be found in everyday items. PFAS accumulates in humans and the environment; and the use and manufacturing of products with added PFAS chemicals puts New Yorkers' health at risk and can lead to drinking water contamination.

Though bill A3556E/S5648F (elimination of PFAS in key consumer and household products) and A5990A/S3529A (elimination of PFAS and other toxic chemicals in menstrual products) unanimously passed the Senate, these bills were ultimately not brought to a vote in the Assembly. Additionally, bill A3556E/S5648F faced political opposition to the inclusion of cookware at the 11<sup>th</sup> hour. Ultimately, cookware came out of the bill, but that will not stop advocates from fighting for its inclusion in the future.

The Beauty Justice Act (A6969A/S4265A) and the PFAS Discharge Disclosure Act (A3296A/S227B) failed to advance out of committee in either house. If the legislature convenes for a special session this summer, A3556E/S5648F (PFAS in household products) and A5990A/S3529A (PFAS in menstrual products) will be a top priority for advocates.

### **Packaging Reduction and Recycling Infrastructure Act**

This session has been a roller coaster for the Packaging Reduction and Recycling Infrastructure Act (S4246D/A5322D), which ultimately passed the Senate but was not brought to a vote in the Assembly. This bill would have been strongest bill of its kind in the nation because it would have required a reduction in all plastic packaging by 30% by 2012; banned toxic chemicals currently used in packaging, such as PFAS, vinyl chloride, and formaldehyde; incentivized companies to use more

sustainable and recyclable packaging materials; provided funding for municipal recycling programs to reduce the burden on taxpayers; and prevented the plastics industry's favorite false solution of "chemical recycling" from counting as recycling. We will continue to work with assembly members to ensure the bill's passage.

### **NY HEAT Act**

The Senate passed the New York Home Energy Affordable Transition (NY HEAT) Act in both the 2023 and 2024 sessions, but the Assembly did not move to pass it before end of the session this year. The NY HEAT Act would remove utilities' legal "obligation to serve" its customers with gas. The Act would also eliminate the "100-foot rule," which requires current gas customers to subsidize the costs of extending gas infrastructure to hook up new customers. These provisions have been a Public Service Law barrier to achieving the goals of the 2019 Climate Leadership and Community Protection Act.

If passed, the NY HEAT Act would benefit ratepayers and the clean energy transition because it would allow utilities to invest in clean alternatives rather than continuing to invest in old gas infrastructure. Currently, ratepayers are footing the bill to replace 7,000 miles of old gas pipes and nearly 190,000 old gas service connections to buildings at a cost of more than \$150 billion. New York State must downsize its gas infrastructure system to maintain affordability for consumers, reduce air pollution both indoors and out, and make progress on achieving its climate goals. The next chance for the NY HEAT Act to be considered will likely be in the new legislative session at the start of 2025.

### **Healthy Homes Right to Know Act**

The Healthy Homes Right to Know Act was also a victim of the congestion pricing tumult. This bill will require that gas stoves sold in New York State have affixed on the stove or its package a public health warning label indicating that four known emissions can cause negative public health impacts. There will also be a required warning sign at the

point of purchase. The four dangerous emissions from gas cooking stoves are carbon monoxide, nitrogen dioxide, formaldehyde, and benzene. Most consumers are unaware of these dangers and most retailers routinely fail to inform them. These labels are like many that are already required in New York State, such as for the sale of alcohol or cigarettes. New York already requires similar labels on unvented gas heaters.

### **The Fashion Act**

The Fashion Act was also stymied this session. The \$2.5 trillion apparel industry has an enormous environmental footprint. The industry is responsible for between 6-8% of global greenhouse gas emissions, equal to the entire aviation industry and is largely unregulated. The Fashion Act would cover apparel or footwear companies that have over \$100 million global revenue. The bill will mandate that these large fashion brands know and disclose emissions stemming from their supply chains, then draw down their negative climate impacts. The regulations will require that the companies set and achieve climate reductions in line with the Paris Agreement.

Several of the bills that did not pass might have another bite of the apple this summer. If there is a special session called by either the Governor or the legislative leadership - and the \$1 billion hole in the MTA budget will be a driving force to hold one - advocates, including NRDC, will work hard to get these bills passed out of the legislature.

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