



The Trailblazer

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Sierra Club Support for Environmental Legislation in New York State

By Ellen Cardone Banks

Sierra Club members in the Niagara Group are also members of the Atlantic Chapter, which covers the State of New York. One function of the Atlantic Chapter is to advocate for legislation to address the climate crisis and protect our environment. Volunteer leaders on the Legislative Committee, with our three staff members in the Albany office, Roger Downs, Caitlin Pixley Ferrante, and Elizabeth Ahern, discuss pending legislation on weekly calls during the legislative sessions, and decide by consensus which bills to support. Staffers (and occasionally volunteers) then write support memos that are sent to the legislators to explain the reasons for supporting the bills, and are posted on the Chapter website. When speaking or writing publicly, as Sierra Club members, on NY State legislation, volunteers need to check that the Chapter supports the bills. Bill memos are very useful for talking points,

writing letters to editors and other communications.

Bills supported by the Atlantic Chapter are found on the chapter website, atlantic2@sierraclub.org, selecting "Legislation" for current bill memos and an archive of recent years' bills and their outcome. This year, 2021, the chapter supports an array of bills, including the Climate and Community Investment Act, which would impose a pollution tax with proceeds prioritized for disadvantaged communities, wetland and stream protection, banning fracking waste water for road salting, prohibiting new and repurposed fossil fuel electric generation plants, reducing lead exposure of children, and other regulation of other toxic substance. Niagara Group volunteers occasionally meet (virtually, during the pandemic) with our local Assembly and State Senate members and their staffs to promote these bills.

Time to Make the Polluters Pay

By John Szalasny

The phrase to remember in 2021 may be Extended Producer Responsibility or EPR. Whether it is a reaction to the Pandemic Plastic of 2020, with its explosion of Personal Protective Equipment (PPE) and Styrofoam Clamshell takeout containers, or a realization that our plastic waste was no longer magically disappearing, bills to make polluters pay have been introduced on the state and federal level.

Even before the plastic documentaries and PBS Frontline reports of the past two years aired, the plastic pollution crisis became my personal cause during a stay at Buffalo General in 2018. While there, the news reports were all focused on the Chinese National Sword policy which stopped our plastic waste exports to China. I had suspected that recycling was not working prior to this after a trip the previous summer to see my daughter in Savannah, GA. The ocean-freighter docks were overfilled with bales of used plastic with our Savannah River tour guide pointing out that the numbers were growing, waiting for someplace to ship to. Also, companies like Coca-Cola and Pepsi have been making recycled content pledges since the beginning of the 21st century with no progress

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"Climb the mountains and get their good tidings. Nature's peace will flow into you as sunshine flows into trees. The winds will blow their own freshness into you, and the storms their energy, while cares will drop away from you like the leaves of Autumn."

~John Muir, *The Mountains of California*

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Sierra Club Supports Wetland Preservation in New York State

By Ellen Cardone Banks

Wetlands, once dismissed as "swamps" - useless unless drained and developed - are now understood to be ecologically valuable for carbon sequestration, maintaining water quality, resisting floods, and hosting many plant and animal species. Yet relentless pressure to build ever-larger, energy-gobbling houses and big-box stores and parking lots in sprawling suburbs continues throughout New York State. I've seen a Town of Amherst development proposal to shoehorn a curving line of houses into the slightly higher ground between designated wetland strips which would be in the front and back yards, a sure recipe for more of the basement flooding that East Amherst residents already experience.

On Staten Island, elected borough officials seem to have forgotten the Hurricane Sandy disaster of 2012, as they approved building a BJ's membership bulk store, gas station and parking garage on the Graniteville freshwater wetland, adjacent to a tidal wetland, part of a network of estuarial streams that protected the northwest corner of the island while the opposite side was flooded, causing loss of lives and destruction of homes. Moreover, the proposed construction is in a low-income environmental justice area where many residents moved after their homes were destroyed by Sandy. To add to the injustice, the proposed store is not only redundant with similar businesses nearby, but would require shoppers to purchase a \$50

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being made to meet the goals. If companies that large weren't using recycled materials, who was using all of the plastic being collected for recycling?

Even today, it is unlikely that a plastic bottle returned to your local store will be recycled into a new plastic bottle. Most recycling today turns our plastic packaging into downcycled products like decking material or polyfill for pillows and winter coats. And that's only happening to some of the plastic. The only reliably recycled plastics are #1 (PETE) and #2 (HDPE) bottles. And with our national recycling rate under 9%, there's a lot more that bypasses a recycling center and rides straight through to a landfill.

The Sierra Club supports bills with Extended Producer Responsibility provisions on both the state and federal level. New York is one of nine states currently considering an EPR law on packaging. Our state currently has EPR legislation for items like car batteries, tires, and used motor oil. The bill (S.1185-B Kaminsky/A.5801 Englebright) would follow models of existing laws in Europe and Canada, shifting the burden of managing packaging materials (paper, plastics, metals) at the end of life from the municipality to the producer. Ideally, this will make the producers reduce their packaging use and make their future packaging easier to recycle.

On the federal level, EPR is one of the key provisions in the Break Free From Plastic Pollution Act (S.984 Merkley/H.R.2238 Lowenthal). In addition to EPR, the BFFPPA also addresses issues for the nation that New York lawmakers have already tackled, including a bottle bill and a ban on hard to recycle items like Styrofoam single use food containers. It would also put a pause on the expansion or new construction of plastic production facilities.

Like way too many issues that were ignored in the past four years, tomorrow will be too late to take action on an issue that is already unmanageable. Of all plastic ever made, 80% of it still exists in landfills or the environment, and will be there for hundreds of years. If left unchecked, plastic production is expected to quadruple by 2050, and the amount of plastic in the ocean will outweigh the fish. The throwaway society would not exist without the advertising of the plastics industry in the 1950s. It's time for the industry to be held responsible and make the real polluters pay for the waste caused by single use plastic.

Buffalo's Future, Electric Buses and Social Justice

By Richard Steinberg

In 2018, the NFTA requested the Niagara Sierra Group's Zero Emission Bus Committee write a letter of support for an FTA application to begin conversion of the NFTA diesel bus fleet to electric buses. In August 2018, NFTA's grant was approved. The 2.5-million-dollar grant awarded to NFTA from the Federal Transit Authority is to retrofit their diesel garage on Michigan/Main Streets from refueling diesel buses to charging electric buses. This retrofit begins the process of eliminating 120 diesel buses at the garage and replacing them with non-polluting electric buses. Ten electric buses have now been ordered through the New Flyer Bus Company. The buses take a year to build and are estimated to be on the streets of Buffalo in 2022.

In this time of great unemployment, a group of 18 WNY organizations, who are a cross-section of citizens devoted to social justice, public health, environmental quality, public transportation, and climate change mitigation, asked the NFTA to keep all jobs and engage the public in appropriate distribution of the non-polluting buses to help clean up the environment. This is an example of how we think about the issue of social justice and rolling out the new electric buses.

Electric buses are one important, small step toward decreasing Western New York's carbon footprint and eliminating the air pollution that threatens us with asthma, heart disease and increased susceptibility to COVID-19. The World Health Organization reported that one in eight global deaths were a result of air pollution. It is the world's largest environmental health risk. Reducing it would save millions of lives. According to a study at Harvard University, Coronavirus patients in areas with high levels of

air pollution before the pandemic were more likely to die from the infection. Here in our neighborhood, the communities that would benefit most from eliminating pollution by cars and buses are those near the Peace Bridge and along Routes 198 and 33. They are largely communities of color.

New York State, under Governor Cuomo, continues its legacy of climate leadership by committing to motor vehicle emissions reductions of at least 55% by 2035. Electrifying public transit buses is one key to achieving that goal.

But the solution to climate-changing greenhouse gases and unhealthy air is not simple. A few electric buses alone will not do it. If we look at the statistics, 40% of greenhouse gases are attributable to transportation. Of that 40%, cars contribute 60%. What is needed, most urgently, to achieve meaningful air quality change, is a drastic reduction in miles traveled by cars.

One full bus can replace 50 private cars while diminishing the need for parking pave-over and reducing wear-and-tear, as well as congestion on roadways. Public transit is part of the answer, but also making it safe to bike and walk are essential approaches to the problem of air pollution.

Electric buses are sleek and modern. They are amazingly quiet, their easy acceleration provides a smooth, comfortable ride and they are easier on the driver's legs. Those who ride them will feel a sense of pride that they are contributing to the health and well-being of their community. With these exceptional qualities, electric buses can efficiently provide enjoyable, comfortable commutes. They are cleaner and thus healthier than fossil fueled cars. The roll-out must address communities in need and a public campaign can achieve this.



Spring Letter to Membership

By Sara Schultz, Chair

Welcome spring and welcome hope! It is my hope that we will be getting back to many things in our lives that have been missing! That picture looks different to each of us. For me, as an activist, I have been missing my earth-loving friends at in-person meetings, tabling at festivals and local events for SCNG and, most of all, hugs! I admit, I have hugged a few trees over the past year just to fill in the gap.

There are many issues to promote this year. One that is right in front of us every day is trash. No, picking up trash from our sidewalks, streets, and fields won't slow down climate disruption. However, it is one easy thing we can do to engage in our collective healing.

I recently read about a campaign called “Trash for Tuesdays” on the treehugger.com website. It is a compelling story that I relate to as an ardent “trasherciser” on almost every walk or hike. This organization “encourages individuals all over the world to join together and pick up trash in their local area (safely and responsibly) then share it by using the hashtags #TuesdaysForTrash, #T4T to spread the message.” The founder of this movement started out on Tuesdays, but seriously folks, any day would be a good day to get trash where it belongs.

Just think of the visuals. Imagine a walk with no litter blowing around, no plastic bags in trees and no PPE, fast food containers, cigarette cartons or plastic bottles on the ground. We can make that happen my friends. Who knows? Maybe you can get this program implemented in your local schools, your faith group or any group you belong to. There are endless possibilities. Obviously, low-

ering our consumption of single use items are most vital to this cause.

On another note, I want everyone to be aware of the new opportunities for your community to get grant money through NYSEDA's Clean Energy Community Program. There is a 2021 CEC Leadership Round for funding that will help your community reach sustainability goals, save money and lower your carbon footprint. Please go to nyseda.ny.gov to get information on how your community can participate.

Whether it is based on a number of high impact actions, these Action Grants are competitive in NYS, so it is important to act soon if you want to earn up to \$150,000 for a 40,000 plus size community or up to \$70,000 for a smaller community. For more information, you can contact: Jason Kulaszewski <jasonkul@buffalo.edu>; Jonathon Mayr <jmyr@southerntierwest.org>.

This year, let's work harder than ever to push our legislators to put some teeth into NYS clean energy. Let's plant native vegetation, pick up litter, eat more vegetarian and vegan food, ride bicycles, “green” our homes with renewable energy, and get out there and hug some trees!

See more stories
like this at
NiagaraSierraClub.org

“Wetland Preservation” continued from front page

annual membership. The Atlantic Chapter opposes this wetland destruction and hopes for a favorable decision on an injunction to stop the construction and save the land for a park.

What enables developers to destroy and build on wetlands? In part, antiquated New York State laws in combination with lax enforcement of the federal Clean Water Act. To be eligible for protection by the NYS Department of Environmental Conservation (DEC), freshwater wetlands must now be on official maps, most of which have not been revised in 20 years, and must be 12.4 acres or larger. (The Graniteville freshwater wetland is 14 acres.) The Atlantic Chapter and 15 allied environmental organizations support a State Senate bill, S5116, that would extend protection to about a million acres of presently unmapped wetlands of this size. In addition, protection would include smaller wetlands with unusual significance, “that possess valuable characteristics or provide ecosystem services, such as community flood water control within an urban area, possession of rare plant or animal species, or critical to maintenance of clean drinking water” (paraphrased from Roger Downs, Chapter Conservation Director). A parallel Assembly bill will be introduced. The bill provides for an expedited process of a 60-day review of developers' applications which would then trigger a more extensive review if the DEC deems the wetlands important. This provision circumvents the identified reason Governor Cuomo vetoed the bill last year out of concern for DEC staffing for complete initial reviews. While an enhanced wetland protection law would very likely have prevented the Staten Island wetland destruction, it will save valuable wetlands in Western New York as well as throughout the State in the future.