

Advocacy Training Toolkit

A Citizen's Guide to Responding to Contaminated Drinking Water



**ENVIRONMENTAL
ADVOCATES OF NEW YORK**



AMERICAN ARBITRATION ASSOCIATION®

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Preface: Letter to the Advocate

Dear Advocate,

No community should ever have to worry that their water is unsafe to drink. Although the United Nations has declared clean water a basic human right, turning this into reality is a far bigger and challenging task. Pollution of our lakes, rivers, and groundwater occurs with alarming frequency in New York, putting this fundamental right in jeopardy and lives at risk. In a growing number of municipalities around the state, residents have discovered that their water has been contaminated, sometimes for decades, by a range of chemicals, such as **PFOA and PFOS**.

These residents are now at risk from various health impacts and illnesses because of this contamination. On Long Island, dozens of public water systems tested for and found extremely elevated levels of the chemical **1,4-dioxane**, which has also been linked to an increased risk of cancer. In all of these cases, ordinary people were on the front lines of contamination and had to ask themselves: **What do I do now?**

If you suspect or already know that your drinking water is polluted, this toolkit is for you. And if you have never been involved in political advocacy before, this toolkit is also for you. The toolkit is designed to provide you with a roadmap to organize your community around your issue and advocate for change. Where to start can be daunting. The problem can seem so big, and you can feel so powerless.

This toolkit will focus on the threat of water pollution across New York - providing background on how our water is regulated and what chemicals are of particular concern, drawing from examples of current water contamination crises across the state. The toolkit will offer advice for people interested in taking action on community organizing, raising visibility on a specific issue, and contacting elected officials and government agencies.

Thank you for taking the step to protect your drinking water and your community!

- Environmental Advocates of New York

Part I: What You Should Know

The Regulatory Framework for Drinking Water

The [US Environmental Protection Agency \(EPA\)](#) is the main federal agency responsible for the safety of our public drinking water, although the [US Food and Drug Administration \(FDA\)](#) is charged with regulating bottled water. Under the [Safe Drinking Water Act](#), first passed in 1974 and amended in 1986 and 1996, the EPA set national health-based standards for drinking water to protect against naturally-occurring and man-made contaminants found in drinking water. The Safe Drinking Water Act requires various actions to protect public drinking water and source waters, including rivers, lakes, reservoirs, springs, and groundwater wells. The Act does not regulate private wells which serve fewer than 25 individuals.

The most direct oversight of water systems is by state drinking water programs. The Safe Drinking Water Act provides funding for state agencies to implement and enforce the EPA standards. States can apply to the US EPA for “primacy,” which is the authority to implement the Safe Drinking Water Act within their jurisdictions, if they can show that they will adopt standards at least as stringent as the US EPA and ensure water systems meet these standards. In New York State, the [Department of Health](#) (DOH) plays this role as primary agent for the EPA. In the New York City watershed, DOH and the [New York City Department of Environmental Protection \(DEP\)](#) share power to issue rules and regulations for protection of the [New York City watershed](#), subject to the approval of the Commissioner of DOH.

With all of this regulatory oversight, most of us assume that the water coming out of our taps is safe to drink, especially if the water looks and tastes normal. We trust our federal and state governments to properly test for dangerous chemicals that could make us sick. Some problems in drinking water, however, can slip through the regulatory cracks. In other cases, different government entities can be slow to respond to new threats to drinking water, such as emerging contaminants. And, while certain chemicals in public water systems are regulated by the [US EPA](#) and [New York State Department of Health](#), private wells are not regulated at all, and at this time in New York State, fall under the responsibility of the individual homeowner.

Emerging Contaminants in Drinking Water

Over 80,000 chemicals whose health effects are largely unknown are currently on the market in the US in a number of household and commercial products. Corporations can use these chemicals in manufacturing processes or put them in our products without first having to test that they are safe for human health.

At times, these chemicals find their way to our lakes and rivers, through a number of industrial and commercial processes and even through personal use and appear as “contaminants of emerging concern” or emerging contaminants in drinking water nationwide. Emerging contaminants can include chemicals from pharmaceutical products, personal care products, pesticides, herbicides and endocrine-disrupting compounds.

In many cases, emerging contaminants are not being stringently tested for or tested for at all by federal, state or local governments. The sheer number of these unregulated chemicals is

troubling. Which ones could make us sick? Without stringent testing, toxic substances may be present in the water while the community is unaware.

The science is clear that certain emerging contaminants pose a serious threat to human health. You may have heard of PFOA, PFOS and 1,4-dioxane from the contamination crises they have caused in different regions of New York State. All three are considered emerging contaminants, with the particular danger of exposure to pregnant women and children well-established. Information on the health effects of these chemicals is still emerging, and we may eventually conclude that no levels of these chemicals are safe. More chemicals will likely be added to this list of contaminants threatening human health and our drinking water, since PFOA and PFOS are part of a class of about 3,500 chemical compounds known as per- and poly-fluoroalkyl substances (PFAS), including [GenX chemicals and PFBS](#).

The US EPA has recognized certain emerging contaminants as exceptionally concerning. Under the [Safe Drinking Water Act](#), EPA publishes an [Unregulated Contaminant Monitoring Rule \(UCMR\)](#), which includes a list of chemicals that public water systems across the nation must test for in their drinking water supplies.

However, as of March 2019, if your public water system serves fewer than 10,000 residents, it does not currently have to test for many of these emerging contaminants on EPA's lists. Contamination in small communities, therefore, may also be slipping through the cracks and going unnoticed. New York has passed [legislation](#) mandating that public water systems of all sizes must test for a list of emerging contaminants, but so far this law has not been implemented.



Route 300, running alongside Washington Lake, the City of Newburgh's primary drinking water source. (Credit: M. Cunningham)

Concerned citizens have taken the initiative in many communities in New York State to discover toxic pollution by first testing their water. The Village of Hoosick Falls, NY, with a population of 3,399, was not legally required to test for PFOA in its water due to its small size. In 2016, a local resident named Michael Hickey became concerned about the quality of the water after a local

high school teacher died from cancer just a year after his own father passed away from kidney cancer. After a brief Google search on a product called Teflon being made by a plant in his town located near the village's municipal drinking water wells, he found a study connecting this product to cancer. He then tested his own water using kits he purchased, and the test results from municipal drinking wells, the Village of Hoosick Falls' primary water supply, came back far higher for PFOA than the 400 parts per trillion (ppt) guidance level EPA had set at the time (EPA now recommends 70 parts per trillion as its guidance level). Without Michael Hickey taking action, it would have been much longer before the crisis was discovered. Years later, the village does not have an alternative drinking water source and the extent of the groundwater contamination is not yet fully known. Community-based groups that emerged in the last few years, including the New York Water Project, remain an important voice and advocate on these issues.

PFOA, PFOS, and 1,4-dioxane: Major Chemicals of Concern in New York

Studies have shown that exposure to PFOA and PFOS, the chemicals found in Hoosick Falls, Newburgh and other parts of the state can lead to diseases such as thyroid disease, testicular cancer, kidney cancer, pre-eclampsia and ulcerative colitis. There is widespread use of these chemicals in common items, like non-stick cookware, grease-resistant packaging including pizza boxes and take-out containers, water-resistant clothing, dental floss, firefighting foam and more. In Hoosick Falls, the main PFOA contamination resulted from industrial operations at sites owned by Saint Gobain Performance Plastics and Honeywell International. In Newburgh, the PFOS contamination resulted from the use of firefighting foam at Stewart Air National Guard base. PFOA and PFOS are increasingly being detected at unsafe levels in drinking water supplies on Long Island and across New York State and the country. The NYS Department of Health has estimated that 23 percent of public water wells in New York have PFOA and PFOS levels greater than 10 parts per trillion (ppt) and need remediation. In December 2018, the [NYS Drinking Water Quality Council](#) recommended that maximum contaminant levels of 10 parts per trillion for PFOA and PFAS, though this has yet to be implemented by the NYS Department of Health. Maximum contaminant levels are the legal threshold of a contaminant allowed in drinking water, beyond which measures would have to be implemented to address the contamination.

The US EPA has determined that 1,4 dioxane, present in many detergents and personal care products like shampoo, liquid soap and cosmetics, is likely carcinogenic to humans. Studies have found that exposure to high levels of 1,4-dioxane over time can cause chronic kidney and liver effects as well as liver cancer. 1,4-dioxane is especially prevalent on Long Island, with [dozens of drinking water sources](#) detecting the chemical at levels that far exceed EPA's lifetime cancer risk guideline of 0.35 ppb. DOH estimates that 89 wells, mostly on Long Island, have 1,4-dioxane levels above 1 part per billion, likely from industrial, manufacturing, and agricultural practices on Long Island and would require [millions of dollars](#) to clean up. Like PFOA and PFOS, the NYS Drinking Water Quality Council recommended that 1,4 dioxane be regulated at 1 part per billion in drinking water, but this has yet to be implemented by the NYS Department of Health.

Part II: Taking Action

Get to Know Your Water Source

Over a third of Americans do not know where their drinking water comes from, so if you are one of them, you are not alone. Nonetheless, understanding where your water comes from is a big step towards gaining a better understanding of your water quality. Whether you are on a municipal water supply system or using private wells, the information below should help you better understand your water source.

Public Water Systems

If you are part of a municipal water supply, you can find more information by contacting your municipality's water department or water authority, whose contact information should be on your water bill or on your municipal website.

Some initial questions you could ask include: Is your drinking water source surface water, from a river or a reservoir? Or is it a municipal well system, drawing from groundwater? Or is it a combination of both? Do you know where your municipal wells or municipal surface water sources are located?

If you have real concerns about your water, you may also start doing research on land uses in the vicinity of your drinking water source. This can be done by 'walking the stream' and actually [looking for illicit discharges](#) into a waterbody and for possible causes or sources of contamination; studying municipal parcel maps or zoning maps to identify possible industrial sites that could be a source of pollution; and identifying existing watershed management plans or other watershed studies that have already taken a closer look at how local land uses affect water quality and where the water flows in the landscape. In some cases, there may have been research done in the area on the contaminant, which never grabbed the public's attention.

Private Wells

If you own a private well, there are some [basic questions](#) you should ask, and this list is by no means exhaustive. Contacting a well water professional or referencing the [state's guidance on private wells](#) may be a next step for you to understand your drinking water better. Some initial questions include: Do you have well records from when you purchased your house? How often has your water quality been tested? Do you have past water quality testing results and maintenance records? Having records for your private well is critical, including a record of all service, testing, and preventative maintenance performed on your well. The EPA recommends [annual testing](#) for total coliform bacteria, nitrates, total dissolved solids, and pH levels. You may choose to test for additional contaminants.

Similar to residents with public water systems, well owners should make some basic observations about the location of their well and its environment. Where is your well located? Is the soil around your well head buried or raised to divert run-off? Is your wellhead visible and above ground? Check with your local government about additional building code restrictions related to private wells.

Did you know? The State of New York does not require homes with private wells to test their water. That said, the New York State Department of Health (DOH) recommends a [list of chemicals](#) private well owners should test for and offers other resources to protect drinking water at homes with private wells.

Understanding What's in Your Water – and Testing It

Understanding the quality of your drinking water is another step in determining if there is a problem, such as contamination of your drinking water.

The following are some of the questions you should ask if you suspect your municipal water has been or is being contaminated, or even if you are interested in taking some precautionary measures to ensure your water's safety:

- Have there been any changes in your drinking water?
- Does your water look, smell or taste strange or different?
- Have you noticed any unusual discharges or runoff into or near local waterbodies?
- Are there industrial or waste sites currently located near your home, near a local waterbody and/or were there these types of sites in the past?
- Have you noticed an abnormal spike of cancer rates or other negative health effects in your community?

Understanding whether your community has been in recent violation of any drinking water standards is another question, and there are [online resources](#) to help you find out if you cannot find it through your municipal water department.

The above information and questions may have led you to this point, where you may want to take the next step and test your water. After exploring the reasons you think your water might be contaminated and whether your water might be contaminated with emerging contaminants in particular, you may then want to test your own water, particularly if your public water system is small or you have a private well. More than 97% of the nation's 156,000 public water systems are [small systems](#), meaning they serve 10,000 or fewer people and may not have ever been tested for emerging contaminants. There are several ways you can get in touch with the resources to conduct comprehensive water testing:

- **Contact your [county health department](#).** In New York State (outside of New York City), health departments are responsible for regulating our public water systems and the water we drink. County health departments may have the staff and budget to conduct water testing beyond what is required at the state level and can provide you with the results. In New York City, the [NYC Department of Environmental Protection](#) is the appropriate agency to contact.

To test for lead in your drinking water, you can request a free lead testing kit from the [NYS Department of Health](#) or if you live in New York City from the [NYC Department of Environmental Protection](#). These kits, however, do not test for emerging contaminants

like PFOA, PFOS or 1,4 dioxane, for which you would need to contact a private laboratory (see next step).

- **Contact a private laboratory.** It is very important that you engage a lab for testing that is certified through the [New York State Department of Health's Environmental Laboratory Approval Program](#). These labs have greater credibility, which will prove important for any future actions you may decide to take.

Most private labs will supply sampling containers and instructions for conducting sampling at home. Be sure to carefully follow lab instructions for collecting and handling samples at home. Improper collection, storage or handling may affect the accuracy of the results. Some of the sampling kits also ask that you return the samples within a specific period of time. If you are not comfortable doing the testing yourself, some laboratories may be able to send a trained technician to collect the sample for you.

Organizing Your Community

"When you get tired or discouraged or frustrated, you have to think back to what motivated you on Day One. Why did I start advocating for clean water? You need that reminder to keep you going."

- Michelle Baker, Hoosick Falls resident and member of New York Water Project

If you learn that your drinking water may be contaminated, you will have a lot of questions. Will my family get sick, or is my family's health already at risk? How long has this been happening, without our knowledge? Will this affect the value of my home? If the contamination is more widespread, many others in your community will be asking those same questions. Many will want to do something about it but will not know where to start.

This next section will serve as a guide to create a group of concerned citizens to amplify the concerns and demands of your community and ensure that your voice is represented in decision-making. Community organizing is about citizens coming together to identify a shared problem and initiate social change, a process that builds and strengthens the power of these community members over time. Many organizations have compiled detailed toolkits focusing solely on the philosophy and steps of building community power and bringing about social change. To dive deeper into each of these steps, you can find many community-organizing tips and resources online, including this [one](#).

We have come up with the following steps to help you get started in organizing your community:

- **Do your research**

Once you know which contaminants are in your water, learn as much as you can about the contaminant, its effects on human health and the environment, and possible causes and solutions.

Some initial questions you may ask include: How did this contaminant get in my water? What are the illnesses linked with this chemical? What is considered a 'safe' level of

exposure? Are there populations especially vulnerable to exposure (i.e. pregnant women, children)? Is this chemical being regulated in New York State?

The [National Institute of Health](#) is a resource that maintains a database of peer-reviewed medical papers and scientific literature. You can use the data found there or other scientific research online to bolster your knowledge of the pollutant. Be aware of the source of any data you use, because some studies are funded or conducted by the company who produces the chemical and therefore may be biased. The best research is when you have multiple studies from a range of sources with similar results and conclusions.

- **Form a group**

There is usually enough work to be done in advocacy that forming a larger group of advocates makes sense. Forming a group will help you expand your reach.

Start by identifying your allies, such as your friends and neighbors who are also concerned about the issue. Find people who regularly attend town meetings on the issue and invite them to join you. In some cases, there may be existing groups, e.g. local watershed groups or other activist groups, that already focus on water quality issues, with whom you can coordinate.

Get together regularly and talk about your fears surrounding the contamination, and what vision you have for a healthier and more just future. Holding regular meetings also helps a group composed of volunteers and activists stay together.

- **Build your base**

Make sure your conversation expands to encompass as many members of the community as possible, especially marginalized communities. Your campaign goals should reflect the desires of the community, so hearing from a diverse range of stakeholders will strengthen your message. This will help draw more people into your group and foster in everyone a sense of ownership over the campaign.

The more people in your group, the more powerful you can be. Connecting with and raising up the voices of people who can tell their personal stories about how the contamination has impacted their lives is critical.

Here are some ways to expand your base:

- Invite people you especially want to attend to your meeting with a personal invitation, followed by a phone call. This may include local elected officials, nonprofit organizations and/or other activist or water-related groups. You also want to invite as many people as you can who were personally affected by the contamination. Getting someone to a meeting often involves repeated phone calls and emails, and a personal touch.

- Hold public meetings and roundtables to share information and talk about long-term goals. Regular meetings will help provide consistency for a group and keep the group together. Running a meeting is trickier than you might think, so do your research and preparation before each meeting, including deciding beforehand what you want to accomplish at each meeting.
- Use social media to post updates, e.g. create a Facebook page and a Twitter account to get out your messages; promote your messaging; engage with other activists, groups and local elected officials; and keep the media apprised of your activities.
- Develop factsheets about your group and your targeted issue as a way to educate and expand segments of your audience.
- Post flyers for events and meetings in grocery stores, churches, libraries and other heavily-trafficked public spaces. There are also online resources like [Nextdoor](#) or neighborhood-specific Facebook groups where you can connect with people in your community. You may also consider bi- and multilingual flyers in areas where the population is more diverse.
- Go door-knocking in your community to talk to people face-to-face and host phone-banking events to call your neighbors.

Some good tips on facilitating a participatory community meeting include:

- Set up chairs and tables in a 'roundtable' format so that people are face-to-face and no one is hiding in the back of the room (classroom style makes people feel less inclined to participate and more inclined for them to listen to the 'experts' at the front of the room)
- Greet people as they arrive
- Ensure every participant signs in, with their name, affiliation, email and phone number to be entered later into a database
- State the goals, expectations and timeframe of the meeting up front
- Allow everyone in the room to introduce themselves briefly at the start of the meeting (name tags are also useful in creating a shared sense of community)
- Write down every comment (in a word or two) in key discussions and information collecting sessions on an easel pad, large enough so that all participants can read it
- Ensure that all voices are heard, not only the loudest and most vocal participants, and encourage even the quietest in the group to participate
- Ask participants to sign up for subcommittees and/or specific tasks
- Announce next steps and upcoming meetings at the end of the meeting
- Thank all participants on their way out of the meeting
- Follow up after the meeting with a thank you and a summary of next steps to all participants

- **Maintaining membership in your group**

The importance of maintaining the membership of your group cannot be understated. Volunteers in any group experience burn-out at one time or another, so making sure your group achieves and celebrates successes over time is an important part of retaining your membership. With so many responsibilities already present in most of our lives, it can be

difficult to add a commitment to advocate on top of everything else. People may get discouraged with a lack of progress, but your job as group leader is to make them feel empowered, valued, and part of a community. Make sure everyone in the group has an achievable task or responsibility that helps move the group towards your goal and helps them feel engaged and appreciated.



The New York Water Project in Hoosick Falls hosts a community film screening of “The Devil We Know,” a documentary about PFAS contamination nationwide. They invited a panel of experts including a local environmental studies professor and a former regional administrator of EPA to answer questions afterwards from the audience.

- **Find allies and build coalitions**

Partnering with other organizations in your community will help show broad support for your campaign and increase your political power. Finding mutual interest will help strengthen relationships with groups like:

- Labor unions
- Nurse associations and other health professionals
- Faith-based groups
- Watershed groups and citizen science groups focused on water issues
- Recreation and sports groups
- Local businesses and chambers of commerce
- Neighborhood associations

- Academics and teachers in environmental sciences
- Elected officials (municipal, county and state representatives - see next chapter)
- Nonprofit organizations
- Land trusts
- Political advocacy groups

In New York State, [Cornell Cooperative Extension](#) and [Soil and Water Conservation Districts](#), both largely organized at a county level, while not involved in advocacy, have useful maps and information on land use and water management that you may want to access. These groups would also know about any watershed management plans and hydrologic studies conducted in your region.

- **Develop a strategy**

Now that you have formed a group that wants to do something about contamination, the next step is to figure out your strategy by articulating first what you want and determining who holds the power to make change.

Your strategic goals may include:

- Full cleanup of the contamination
- Health testing and monitoring for the community
- Filtration/bottled water for short term and a new water source for long term
- Recovering the costs of remediation, and in some cases, this means the polluter pays

One way of coming up with your strategy, goals and actions is through a group strategic planning session at one of your meetings. There are many resources on [strategic planning online](#), and there are facilitators who are specifically trained in participatory strategic planning. If you know one or two people with facilitation skills, ideally people who are not a part of your group, you could ask them to lead a strategic planning exercise at one of your meetings. Forming a core leadership team for your group and asking this group to finalize a strategic plan with any ideas from the group session is a way to move forward if you cannot complete your strategic plan at one meeting.

- **Identify and meet with decisionmakers**

[Power mapping](#) is a useful tool to help you figure out who has the power in your community, and specifically on your particular issue. That ‘decision-maker’ is the person or people you want to influence or pressure, once you decide what tactics you will use.

From exercises like power mapping and group discussions, you may have a sense of the power structure related to your targeted issue. Once you identify who the decisionmakers are, you should do research before you meet with them on their background and interests related to the issue. Come up with your strategy for the meeting before you meet with them. You want to make it clear to decision makers in your communications with them what your goals are, and how broad your support is. If

they do not promise quick action or otherwise appear to be an ally in your stated goals, you can start exploring different advocacy campaigns and tactics.

- **Advocate**

[Advocacy](#) is the act of supporting a cause or policy. While many people know of [lobbying](#) (and lobbyists), lobbying is only one kind of advocacy.

Different advocacy activities may be called for depending on your strategy and goals and your target audience, including but not limited to:

- **Education-oriented advocacy** when the need is to inform people about the issue. This could entail developing a fact sheet on the issue or educating people about the issue in a face-to-face meeting. The target audience may change, and may be the general public, a local elected official and/or a legislator.
- **Coalition-building** when the need is to bring more people to your side and build your coalition.
- **Mobilization** when the need is to get the public to act on something.
- **Training** when you want to expand the knowledge and skills of your group to others.
- **Lobbying** when there is a need to pass certain legislation with a grassroots call to action or through direct lobbying efforts to legislative offices or state agencies.

You may need to confront people directly, especially those responsible for the water contamination or those in power who have not yet come to your side, and so advocacy can also be confrontational at times.

As an advocate, your job is to continue to raise the issue, often using multiple tactics, until change happens. This is not always easy, but persistence is a necessary attribute for a successful advocate.

- **Build your presence in the media**

One of the best ways to pressure decision makers is to get your message out in the media and call on them to act.

Here are some tactics to get your campaign in the press:

- Write op-eds and letters to the editors in your local paper (see Appendix A)
- Host a press conference
- Issue press statements (see Appendix B) and press releases (see Appendix C)
- Testify at public meetings
- Circulate a petition and deliver signatures

- Hold rallies, marches, sit-ins, and more

Raise your voice and express your passion in your advocacy, know the facts of your issue, search for answers and solutions, and put pressure on those who have the power to make change.

How to Hold a Press Conference

Press conferences are a way to convey new information to the media and to increase public awareness of your issue. You might be launching your campaign, delivering petitions signatures that you have collected, responding to the release of new medical or water testing data, or announcing a new lawsuit against a polluter. Press conferences give you an opportunity to not only land your story in newspapers, on TV and on the radio, but to shape the narrative of those stories.

Here are some tips for hosting a successful press conference:

- **Timing:** Usually the best days of the week to get news coverage are Tuesday through Thursday in the morning.
- **Location:** Choose a location that highlights your message and is convenient for the media. You may want to host your press conference outside a polluter's facility, at your city hall, or at the state capitol in Albany.
- **Invite speakers and allies:** All of your allies, especially those with personal stories, will make excellent speakers. For those speaking at the press conference, coordinate beforehand to ensure everyone is providing a different perspective, yet the same fundamental message. Speakers should keep their statements short and to the point, no more than 2-3 minutes in length.
- **Media Outreach:** The first step in contacting the media is to create a list of relevant contacts, such as TV and radio stations. You will also want to supplement this list with individual reporters that cover environmental or public health issues. You will develop relationships with individual reporters as they cover your issue over time.

Email a media advisory to local media outlets one week before the press conference. Media advisories are short; they can be structured in a 'who-what-where-when-why' format. After your press conference, email a press release to those same media outlets (see Appendix C). Make calls to your press contacts to make sure they received the release.

- **Message:** Be clear about what you want to communicate to the press. What new information are you presenting to them? What is your ask of decision makers given this new information? Facts and data can be powerful, but they often fail to move decision makers and draw the attention of the media. You need to tell a compelling story: How is this pollution affecting you? What has it done to the health of your kids and neighbors? What feeling do you have when you turn on the kitchen tap?

- **Moderator:** One person should begin the press conference, welcome the press, explain why you are there, and introduce each speaker. The moderator will facilitate questions from press at the end.
- **Visuals:** Blown-up charts, maps, banners, signs, and other props are especially important for conveying your message for the TV cameras.



Press conference around a water issue organized by Environmental Advocates of New York.

Navigating New York State Government

Learning the levels of New York State Government can be useful in advocacy. The state often has the power and resources to hold a polluter accountable and allocate funding for a clean-up project. Though the complexity of its many moving parts can be intimidating and overwhelming, we have outlined the following as a guide to the different levels of government.

- **The Governor**

The [Governor of New York](#) holds the following powers related to water protection:

- Appoints the heads of the Department of Health (DOH) and Department of Environmental Conservation (DEC)
- Vets most of the significant decisions made by DOH or DEC
- Has wide discretion in allocating state money, holding sway over which communities are awarded new projects and when

The general public knows very little about state agencies, and the final decision making power for these agencies ultimately rests with the Governor. Keep your messaging focused on what action you want the Governor to take.

- **State Government Agencies**

The New York State [Department of Health \(DOH\)](#) and the [Department of Environmental Conservation \(DEC\)](#) are in charge of enforcing the environmental laws on the books. There are three key responsibilities these agencies have relating to environmental pollution:

- Monitoring for contamination and ensuring compliance of environmental permits
- Holding polluters accountable for the costs of pollution
- Devising clean-up strategies

If there is water contamination in your community, you will most likely be in close contact with these two agencies. Getting to know relevant individuals at these agencies will be critical.

- **State Legislators**

New York's State Legislature is divided into two chambers, the State Assembly and the State Senate. You have a representative in each, and you can [find your Assemblymember](#) and [Senator](#) online using your home address. These representatives have the potential to be very powerful allies. Developing a relationship with them and their staff by scheduling meetings at their district offices (which is likely in or near your hometown) or in their Albany office will be essential to moving your advocacy forward. They sometimes have events in their district offices, so getting on their mailing lists and following them on social media is an important way to stay up-to-date on what they are thinking and saying about different issues. If you do go to their office, take a picture with your legislator and put it on social media, which is another way to focus attention on your issue. Legislators have strong incentives to support your cause, so get to know them.

- **Federal Representatives**

There's another level of government to keep in mind: your federal representatives — [one in the House of Representatives](#) and [two in the Senate](#). They too care about what is going on in their home districts and may be another resource for you.

If there is an issue with NYS DEC or DOH, the federal representative will be hesitant to step in because that sphere is the responsibility of the Governor and the state legislators. However, if there is an issue with the US EPA, the federal representative is more likely to be helpful.

- **County Legislators**

Your county government is composed of a county executive and county legislators. You should have one county legislator for the district you live in, but there may be more than one legislator representing your entire municipality — and all of these representatives should be contacted as you get started in your advocacy. Getting the support of your county legislator is another way to build support for your issue and attract local attention.

Some counties in New York State have [Environmental Management Councils \(EMCs\)](#), which are voluntary advisory boards appointed by county governments. EMCs advise the county on land use planning, environmental infrastructure planning and local environmental issues, and should provide a liaison between the community and county government. They may be another resource for you, as you build support for your issue.

- **Local Municipal Officials**

In New York State, much happens at the local level, especially with regard to local water supplies and land uses. New York State is a [home rule state](#), which means municipalities are empowered with local autonomy over certain issues, which can be a good thing or a bad thing, depending on their leadership and governance on important issues.

You can find more about your local government through your village, town or city website. Village, town and city governing bodies (e.g. village board of trustees, town boards, city councils) are required to hold [open meetings](#), and usually have a period at every meeting where public comments on any issues can be heard. Finding out when your local municipal board meets and speaking at the meetings on your issue on a regular basis is a good way to get the word out on your issue. Another way is to have several of your group members provide public comments, either at one meeting or at multiple meetings. Sending emails and creating local petitions, even [online petitions](#), to send to your local municipal leaders is a good way to get their constant attention on the issue — and hopefully their support.

Other important groups within a municipality are planning boards, zoning boards and committees created to focus on land use management and water management issues. Some communities in New York State also have [Conservation Advisory Councils](#), which

can be important allies for you on water issues and are usually have a seat on the county Environmental Management Councils (EMCs).

In 2016, the City of Newburgh learned that Washington Lake, their drinking water source, was polluted by the chemical PFOS. For years, the nearby Stewart Air National Guard Base, operated by the US Department of Defense (DOD), had used firefighting foam with PFOS that seeped into a nearby stream and wetlands that fed into Washington Lake.

Two years later, the DOD finally released a report admitting that they were the cause of Newburgh's contamination. This, however, was two years after New York State had already come to that conclusion through their own investigation. This is an example of the slow response of polluters.

Thanks to pressure by community members, a community group called the Newburgh Clean Water Project and other activists, the city initiated a lawsuit against DOD and other complainants to force the cleanup of Washington Lake's watershed, pay for clean water until the cleanup is complete, and compensate the city for its costs. In January 2019, the DOD informed the City of Newburgh that it would not reimburse them for costs incurred during the PFOA crisis, and it remains to be seen what will happen next.

New York Freedom of Information Act Laws

In addition to the federal [Freedom of Information Act](#), two laws should be of interest to you and your community group related to [New York's Freedom of Information Act \(FOIA\) Laws](#), which were created to ensure a democratic and transparent process in which citizens are aware of the work and policy making of their elected officials as well as all levels of government and public agencies:

- **Open Meetings Law**

The [Open Meetings Law](#) governs how public meetings are run to ensure that government business and policy making is conducted in an open and transparent manner. The public needs to stay informed on how elected officials and government bodies are conducting business, so all meetings except for executive sessions need to be open and available to the public. There needs to be public notice of these meetings in advance, and minutes need to be made available to the public within a specific period after the meeting. This pertains to village and town board meetings and city council meetings, as well as meetings of government committees and other boards.

- **Freedom of Information Law**

[New York State's Freedom of Information Law](#) (FOIL) is a series of laws that ensure that all records of governmental bodies, with a few exceptions, are accessible to the public. A record is defined as "any information kept, held, filed, produced, or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever." Anyone can request records from a government body or agency by making a [request](#).

The FOIA laws are important to know about if you are finding it difficult to obtain information from your elected officials and/or from government agencies. Submitting a FOIA request is an easy, and frequently used, way of obtaining information and data from government agencies, including the NYS Department of Environmental Conservation and Department of Health.

Involving Elected Officials in Your Outreach

In order to raise the visibility of your issue, you may want to involve elected officials in your outreach. Some examples of outreach involving officials may include the following:

- **Sending letters to the Governor, other state legislators in the Assembly or Senate, and state agencies calling for action.**

Letters that legislators write to their colleagues in the legislature are called “Dear Colleague Letters.” You or your legislators can urge the Governor or state agencies to act. You can also create a sign-on letter to any government entity with multiple organizations or individuals signing on. In October 2018, Senator Liz Krueger of Manhattan sent a [letter to DOH](#), urging the Commissioner of DOH to set strong Maximum Contaminant Levels for dangerous chemicals in drinking water.

- **Encouraging officials to introduce bills.**

When the Hoosick Falls water crisis came to light, Assemblyman John McDonald, representing a district near the town, introduced [a bill](#) extending the amount of time that people harmed by pollution at Superfund sites could file personal injury claims against the polluter. The bill passed both chambers and was signed into law by the Governor.

- **Asking officials to join your press conferences and provide quotes for your press releases.**

Elected officials may appreciate the opportunity to participate with you in your press outreach, by providing a quote or speaking at a press conference. See our sample press release in Appendix C.

- **Urging officials to hold hearings.**

In August 2016, the New York State Assembly and Senate held joint legislative hearings to determine what went wrong in Hoosick Falls and investigate New York’s drinking water crisis. Legislators heard from state agency commissioners, local officials, impacted residents, environmental advocates, medical professionals, and many others. Part of the goal for advocates at these hearings was to convince legislators of the importance and urgency of the problem, and the need for immediate action. But the hearings also extracted promises from DOH, which proved useful for future advocacy. In the 2016 hearing, the NYS DOH commissioner stated that:

“In the void of federal oversight over emerging and unregulated contaminants, the department, with the input of the Drinking Water Quality Council, intends to

establish MCLs for PFOA, PFOS and 1,4-dioxane and begin requiring all public water systems to begin testing for them by the end of calendar year 2018.”

With this promised deadline on the public record, advocates could reference the testimony in their messaging to hold the agency accountable. (As of March 2019, the MCLs have not been established for PFOA, PFOS and 1,4 dioxane.)

Citizen Lawsuit

Bringing a [citizen lawsuit](#) is an option that you may or may not want to pursue, depending on your situation. Citizen suits have been commonly used to enforce environmental statutes and have in particular been used in enforcing certain aspects of the Clean Water Act.

A citizen [who has standing](#) can bring a lawsuit against another citizen, a corporation, or a government agency to enforce a particular statute. An example of this would be a citizen suing a company for illegally polluting a stream, river or lake. A citizen may also have standing to bring an action against a government agency for failing to implement specific regulations under the Clean Water Act.

When thinking about pursuing legal avenues, there are various resources where you may be able to secure pro bono legal advice: local attorney offices, law schools, county or [state](#) bar associations, and [legal aid societies](#) which are located throughout New York State.

Conclusions

Congratulations! The fact that you are using this guide and have reached the end of it proves that you have taken an important step in building your power and awareness on water issues. This toolkit has hopefully given you a better understanding of what's in your water, how water is regulated in New York State, and what to do next if your water is contaminated, from organizing a group and holding a press conference to navigating and engaging with different levels of government. We hope that using the resources in this guide will help you feel empowered to act and make change in your community, and that you will find many allies in this endeavor.

If you have any questions on the materials, want to talk through some of the steps that have been outlined and/or have comments on these materials, please do not hesitate to contact us at www.eany.org. We are glad to help you and your community learn more about your drinking water!

Appendix A: Sample Letter to the Editor

NY Can Be An Example For Protecting Water

When President Donald Trump's Environmental Protection Agency fails, New York must step up. Every New Yorker has a right to clean and safe drinking water. Unfortunately, Trump's EPA doesn't seem interested in protecting that right. The recent editorial, "Politically toxic PFOA," May 23, described how the agency is hiding new evidence from the public about toxic chemicals in their water, especially the chemicals PFOA and PFOS.

This report confirms what many advocates have been arguing for years: that PFOA and PFOS are dangerous to human health at levels far below what the EPA currently allows in our water supplies. But Trump's EPA doesn't want anyone to know that. Their shocking abuse of power demonstrates that we can't count on the federal government to solve this issue.

In the absence of federal leadership, the Cuomo administration must follow through on its commitment to protect drinking water and public health. The state needs to make sure we don't have more drinking water contamination crises — like what happened in Hoosick Falls, Newburgh and Petersburg — by setting a strong enforceable drinking water standard for PFOA and PFOS.

In order to ensure the safety of our water, New York's Department of Health must set a maximum contaminant level for PFOA and PFOS at 4 ppt.

When New York leads, others follow. Let's make our drinking water protections a model for the nation.

Robert Hayes
Clean Water Associate
Environmental Advocates of New York

Appendix B: Sample Press Statement

For Immediate Release: July 21, 2016

Gov Signs Hoosick Falls-inspired Bill to Empower NYers Against Polluters

Statute of Limitations Law Fixed to Allow Sick to File Personal Injury Claims

Albany – Today, Governor Cuomo signed into law a measure that will empower New Yorkers exposed to contaminants from Superfund sites to file personal injury claims against those polluters responsible. [The bill that passed](#) was in response to the water contamination crises in Hoosick Falls and Petersburg. Residents there only recently began to learn about the health impacts, such as rare cancers, and the existing statute of limitations law that would not allow for those who have been sick for over five years to seek justice.

Now, residents in any area affected by a Superfund will have the legal avenue to pursue costs associated with their medical care.

The following statement is attributable to Liz Moran, water & natural resources associate for Environmental Advocates of New York:

“The signing of this bill into law is not only a huge moral and legal victory for Hoosick Falls and Petersburg residents, but an important step in holding polluters accountable. For too long, when crises like this occurred, residents were left reeling from the public health and economic consequences, while those responsible were allowed to slink away.

We thank all Hoosick Falls residents who fought for this bill to become law. They set aside personal fears so that others would not have to. We also applaud Assemblymember John McDonald (D-Cohoes) and Senator Kathy Marchione (R-Halfmoon) for shepherding this legislation to passage, as well as Governor Cuomo for quickly signing it into law.

What happened in Hoosick Falls, Petersburg and Newburgh isn’t limited to those locations, nor is chemical contamination limited to PFOA. We call on the State Department of Health to take a page out the Vermont playbook and test all drinking water in the state for the presence of PFOA. We also look forward to working with legislators as hearings on developing a statewide action plan occur.”

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Appendix C: Sample Press Release

For Immediate Release: June 13, 2016

Legislators, Advocates Call for Senate Passage of Hoosick Falls Legislation

Bill would extend statute of limitations to recover from polluters

Albany – With just days to go in the 2016 Legislative Session, Assemblymember John McDonald (D-Cohoes), Senator Kathy Marchione (R-Halfmoon), advocates, and a resident of Hoosick Falls urged Senate Majority Leader John Flanagan to bring bipartisan legislation to a vote that will enable residents of Hoosick Falls and other Superfund communities to recover the costs of their medical bills.

Currently, an expired statute of limitations prevents most residents from filing personal injury actions because the cause of their decades-long health problems has only recently become known. The bill ([A9568A/S6824A](#)), which overwhelmingly passed the Assembly by a vote of 132-7, allows those harmed by contaminants at a Superfund site to bring personal injury claims against the polluter up to three years after that site is designated a Superfund site.

Hoosick Falls residents, as well as residents in other communities like Petersburg, are slowly receiving information about their health; just 10 days ago, residents began to receive the results of blood tests that continue to show elevated levels of PFOA in more than 2,000 people.

Without state Senate passage of this legislation, residents who became sick from PFOA years ago will be unable to bring personal injury claims against the polluters responsible. The Legislature is scheduled to adjourn for the year on Thursday, June 16th.

Assemblymember John McDonald said, “I encourage the Senate to join with the Assembly to ensure that residents of areas such as Hoosick Falls and other designated Superfund sites are able to preserve their rights where they were harmed. This is right and just due to the nature of these proceedings including the lengthy time frames to reach this designation, and it is therefore appropriate that residents have three years to review their personal situation if there is harm.”

Senator Kathy Marchione said, “I sponsored this bi-partisan legislative remedy because there shouldn't be a time limit on justice for Hoosick Falls families. This measure is a practical, necessary step to help ensure that Hoosick Falls residents can pursue civil justice. Since I partnered with Assemblymember McDonald, passage of this bill, this session, has been one of my top legislative priorities. We need to get this done so Hoosick Falls families have the extra time they need – and deserve – to fully explore and pursue their legal remedies.”

Michele Baker, Mom and Hoosick Falls resident said, “We have been living in fear and anger since finding out our drinking water was full of PFOA. My family and I, and many, many more have been drinking this contaminated water for possibly decades, and more than 2,000 neighbors of mine have tested positive for this potential carcinogen. It's terrifying to think of the

consequences to our health. This legislation is very meaningful for us because this happened to our families and to our town, and we deserve the right to hold polluters accountable.”

Liz Moran, water and natural resources associate said, “Many residents in Hoosick Falls have been sick for years with no idea what could be causing their illnesses. Now that they have learned that the culprit was chemical contamination, they deserve compensation for their medical expenses. This is a moral issue, and we applaud Assemblyman John McDonald and Senator Kathy Marchione for their legislation to protect them, and all those who live in Superfund sites. With just days to go before legislators leave Albany for the year, the Senate – in particular Majority Leader John Flanagan – must allow a vote and give folks a fair chance at legal justice.”

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About Environmental Advocates: Since its formation in 1969, Environmental Advocates of New York has been championing environmental policies that have improved health, protected wildlife, enhanced the quality of New York's natural resources, and saved lives. Based in Albany, we monitor state government, evaluate proposed laws, and champion policies and practices that will ensure the responsible stewardship of our shared environment.