



PEF/encon Staffing Alert concerning the NYS DEC

PEF/encon, representing the professional, scientific and technical staff at DEC, would like to thank everyone attending Earth Day/Lobby Day 2004 for your interest in protecting the environment. We congratulate you on urging the legislature to take appropriate corrective actions. You can also help by informing them, the media and general public about the following issues:

1. As a result of the new Superfund/Brownfields Legislation, DEC is getting approximately 55 Superfund/Brownfield positions (25 have been approved for this fiscal year, and 30 are due to be approved with 04-05 budget). However, DEC lost over 5-times that amount of staff in the last year alone. In fact, DEC is down about 900 positions since Governor Pataki took office and the number of responsibilities (statutory and regulatory) have significantly increased during that period. **More positions in each & every DEC division need to be added this budget cycle.**
2. Last year, Commissioner Crotty initiated a drastic change in the long standing policy of having professional DEC career civil servants serve as environmental monitors for voluntary and court-ordered corrective remedial activities. This directive, issued in conjunction with the Towpath Landfill/Recycling station hearing decision, is moving DEC towards a policy of having the fox guard the hen house. In spite of the opposition expressed by legislators and the environmental community, DEC persist in allowing these "bad actors" to hire private contractors to "ensure" compliance with environmental law. **The legislature should mandate that environmental monitors be knowledgeable DEC staff professionals.**
3. Shadow government is expanding. The Governor and his Division of Budget are end-running their so-called "hard hiring freeze" by an increasing dependence on public authorities. Many of these serve as patronage mills for the politically connected. This is partially documented in the recently issued report by Comptroller Hevesi and Attorney General Spitzer (see following link for report and proposed legislation - <http://www.osc.state.ny.us/press/releases/feb04/022404.htm>). **The legislature should support the Hevesi/Spitzer reform initiatives.**
4. Another equally serious and growing trend is using quasi-governmental academic organizations, non-profit agencies and commissions to contract out work normally done by competitively tested, civil service recruited, professional staff. This "off-budget" hiring problem has become so pervasive in the last few years, that last year the Chief Fiscal and Personnel Officers of DEC could not answer questions as to how many of these contract employees work at and for DEC. On Dec. 31, 2003, PEF's President sent a letter to Comptroller Hevesi requesting an audit of DEC and similar agencies to shed public scrutiny on these "cancerous growths" (see the following website for text of letter - http://www.pefencon.info/Postings/PEF_Letter_to_Hevesi_Re_DEC_Shadows.pdf). **The hiring freeze should be lifted for federally funded items, and the "off-budget" contracting out of DEC positions to organizations that lack full accountability to the NYS citizenry should be prohibited.**
5. DEC has formed an internal task force on self-certification oversight and investigation activities to be conducted by developers of contaminated properties and is preparing contracts for third party contractors to perform the long term monitoring and sampling of Class 4 Hazardous Waste Sites. Unfortunately, once again, rather than ensuring aggressive enforcement of environmental standards by knowledgeable DEC professionals, DEC is moving towards letting the industrial foxes protect your environment. **The governor and legislature should provide the funding for full time professional civil service staff needed to protect the public health & welfare. DEC's use of unsupervised third party contractors for important environmental work should be prohibited.**