

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

STATE OF WEST VIRGINIA, et al.,

Plaintiffs,

v.

LETITIA JAMES, et al.,

Defendants,

and

WEST HARLEM ENVIRONMENTAL
ACTION, INC., BLACK FARMERS UNITED-
NEW YORK STATE, INC., CITIZENS
CAMPAIGN FOR THE ENVIRONMENT, and
CATSKILL MOUNTAINKEEPER,

*Proposed Defendant-
Intervenors.*

Civil Action No. 1:25-cv-168 (BKS/DJS)

DECLARATION OF ADRIENNE ESPOSITO

I, Adrienne Esposito, declare as follows:

1. I am the Executive Director of Citizens Campaign for the Environment (CCE), a 501(c)(4) non-profit organization. CCE was formed in 1985 by a small group of concerned citizens on Long Island who recognized the need for public involvement to advance stronger environmental policy. Today, CCE has over 100,000 members across New York State and Connecticut, including approximately 40,000 members on Long Island and 20,000 members in central and western New York. We have staff in Buffalo, Syracuse, and on Long Island.

2. CCE members and staff engage in education, research, lobbying, and public outreach efforts to advocate for solutions to numerous environmental and climate change-related issues threatening our communities. Issues that CCE works on include water protection, public health, pollution, wildlife habitat preservation, energy policy, and more.

3. Our Long Island members and communities are harmed by the consequences of climate change, including excessive rain events and increased flooding. In recent years, streets and buildings in low-lying areas regularly flood during storms. Torrential downpours of up to ten inches of rain at once are now a frequent part of new unpredictable weather patterns. Some storms quickly become so severe that people's cars float on the road, forcing them to abandon their vehicles and walk to higher ground while they wait for rescue. Sea level rise has caused "sunny-day flooding" even without storms, caused by high tides during a full moon and northern wind directions. These floods often inundate septic systems, polluting the water with dangerous bacteria and threatening human and environmental health.

4. The wetlands that protect Long Island from the most harmful effects of storm surges are threatened by pollution, destruction, and sea level rise. Increased nitrogen concentrations from both treated and untreated wastewater enter the Long Island Sound (LIS) and the South Shore Estuary Reserve (SSER). Excess nitrogen weakens wetlands by promoting shallow root growth. In addition, sea level rise is happening at a pace that does not allow for wetlands to adapt, but rather they become submerged (some say sinking). Superstorm Sandy overwhelmed the weakened wetlands in the Western Bays, which is a subregion of the SSER, resulting in fractured wetlands severely hindering Long Island's first line of defense against sea level rise and storm surges. Fractured and weak wetlands cannot effectively absorb tidal surges or flooding events, thereby increasing their impacts on the mainland. This has created a vicious cycle: weakened wetlands offer less protection from flooding, increased flooding washes more pollution into the LIS and SSER, and increased pollution further weakens the wetlands, leaving Long Islanders more and more vulnerable over time.

5. Long Island suffers from other climate-related harms, too. Warming temperatures are causing ticks to spread into new areas and remain active longer, increasing the risk of tick-borne diseases. Seasonal droughts and brush fires, such as those that took place in fall 2024, and recently in March 2025, jeopardize public health, homes, and agriculture.

6. There are solutions to the threats posed to Long Island by climate change. Wetland restoration projects and removal of bulkheads that are replaced by natural shorelines have already been effective at replenishing our natural defenses. And two wastewater infrastructure improvement projects—the Bay Park Conveyance Project and Suffolk County sewer expansion—are increasing storm resiliency and protecting our wetlands by dramatically reducing nitrogen pollution entering local bays. Efforts to buy and preserve coastal property are preventing risky and harmful development in towns like Brookhaven. But these measures are far from enough.

7. While we know of other effective solutions, we lack the resources necessary to implement them at the scale and speed necessary to protect our communities. The Bay Park Conveyance Project, which will cost hundreds of millions of dollars, has been under construction for several years and is still not complete. The U.S. Army Corps of Engineers' Fire Island to Montauk Point (FIMP) Project, which aims to increase hurricane protection and coastal erosion control in the wake of Sandy, identified over 4000 structures (primarily homes) as potentially eligible for elevation to protect them from flooding.¹ However, it has been ongoing for over ten years, and not a single home has been raised.

8. Our members and communities across western and central New York are also harmed by the consequences of climate change. Like Long Island, flooding poses a serious threat

¹ <https://www.nan.usace.army.mil/FIMPRSN/>

to the Great Lakes region. Excessive rain and snow melt caused record-high water levels in Lake Ontario in 2017 and 2019, which in turn caused record-breaking flooding. These floods devastated homes and infrastructure in lakeshore communities. Lake Erie is known for seiches, a phenomenon that occurs when winds generate massive waves, which blow over the shoreline and lead to widespread flooding.

9. Extreme weather events are particularly harmful to water quality. Beaches along Lake Erie are often closed due to bacterial contamination from sewer overflows and increased runoff after heavy precipitation. Woodlawn Beach State Park, a beautiful mile-long sandy beach on Lake Erie just south of Buffalo, has become the poster child for this kind of pollution.

10. The combination of these events and rising temperatures has increased the prevalence of harmful algal blooms in our bodies of water, including the Finger Lakes. Since 2017, harmful algal blooms have been recorded in Skaneateles Lake, an unfiltered drinking water source that serves thousands of New Yorkers in Syracuse and the Finger Lakes region. Frequent harmful algal blooms in Lake Erie also threaten its multibillion-dollar fishing and tourism industries, its ecosystem, and public health in communities that rely on its water.

11. Rising temperatures also endanger native species and agriculture across western and central New York. Warmer temperatures increase the vulnerability of many native species while simultaneously encouraging the invasive species that threaten them. Crops that many communities rely on, such as grapes in the Finger Lakes wine region and apples in much of central New York, are more vulnerable to drought, crop disease, and more because of higher temperatures as well.

12. While there have been efforts to upgrade infrastructure in western and central New York in response to climate change-related threats, we are still far behind. Federal and state

funds have been invested in infrastructure projects, including sewer improvements, and there has been a push for nature-based solutions, such as wetlands, dunes, and coastal buffers. Cities like Buffalo have invested money in tree plantings and other solutions to address urban heat impacts. These projects are important beginnings, but we have not come close to fully addressing concerns about shoreline resiliency, flooding, and rising temperatures. Much more progress could be made on all these fronts with additional funding.

13. There is not enough funding to help individuals recover from climate disasters, either. After Sandy, many individuals never received the FEMA funds they were promised, and some were told their paperwork was lost. And private insurance is becoming less attainable: rates for the few companies that will still insure homes in parts of Long Island continue to rise, leaving homeowners with fewer options to choose from and higher prices to pay.

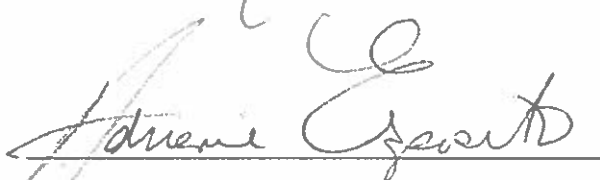
14. Individuals are left to bear the weight of climate change-related disasters in the absence of adequate resources. There were simply not enough professionals available to clean up the thousands of destroyed homes after Sandy. I personally volunteered with community recovery efforts through a group called Vision Long Island. What we saw was awful. We went from home to home, ripping sheetrock off walls to prevent mold growth, hauling the destroyed belongings of the residents out onto the curb, and doing anything else we could to make the residents a little safer. Almost nothing could be saved. There was a tremendous amount of pain, sorrow, and loss. It was heartbreaking not only because of what people lost but because they could not financially afford the costs of recovery.

15. CCE supports the New York Climate Change Superfund Act because the fossil fuel industry needs to help pay for the cost of climate adaptation. These companies knew that burning fossil fuels would directly contribute to greater frequency and intensity of storms, sea

level rise, and more. Now, our members and communities are feeling the pain, loss, and financial stress that comes with these effects. Nothing can be done now to mend the pain and loss that so many of us have experienced. However, constructive things can be done to protect us going forward. Fossil fuel companies helped create the problem, and they ought to help fund the solutions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 2, 2025

A handwritten signature in cursive script, appearing to read "Adrienne Esposito", written over a horizontal line.

Adrienne Esposito