April 28, 2021

Hon. Charles E. Schumer  
U.S. Senate Majority Leader  
The Capitol  
Washington, D.C.

Dear Majority Leader Schumer:

Thank you for your continued leadership and work on behalf of New York’s counties throughout the COVID-19 pandemic. We are grateful for your steadfast efforts in the nation's Capital to assist our residents, counties, and businesses.

As you and your colleagues continue the work of the 117th session and negotiate the proposed American Jobs Plan, we encourage you to continue your strong support for the direct allocation of resources to all counties through a comprehensive investment in local infrastructure. By investing in local projects to repair roads and bridges, harden climate resiliency and ensure equitable access to broadband and cellular service, counties—who have been on the front lines of the battle against COVID-19—may now also lead the economic revitalization of our state and our nation.

**Infrastructure**

*Counties across New York State (outside of New York City) have identified more than $9.4 billion in infrastructure funding needs to support more than 1,100 priority projects.* Fully funding these necessary and long-overdue projects could create or save up to **200,000 jobs** that will help jumpstart local economies as they begin the process of recovering from the economic devastation wrought by the pandemic. These projects include roads and bridges, broadband access and affordability, mass transit, rail, air transportation, water quality and safety, green economy infrastructure, electric grid enhancements and efficiencies, among others.

**Wastewater Surveillance**

Counties are recommending a $50 million statewide wastewater surveillance program for COVID-19 as part of an infrastructure package to bolster our ability to manage the economic reopening. SARS-CoV-2 is shed by COVID-19 patients and makes its way into our sewers, providing valuable data about the presence of infected individuals. Frequent sampling can support local leaders in making decisions about when to safely reopen, and keep open, communities and businesses. It can also be used to detect the reemergence of COVID-19 in a population to rapidly take action and contain new outbreaks.
A Coronavirus Early Warning Wastewater Monitoring Platform is already in use in nearly a dozen counties and the City of New York. A $50 million investment could immediately scale a wastewater surveillance platform statewide. Once we are past the coronavirus crisis, a coordinated and comprehensive wastewater surveillance network can be used to track other infectious diseases of epidemic concern, as well as chemicals of concern, such as opioids, PFAS, and other environmental contaminants.

*Rural Cellular Coverage*

The federal government must prioritize and incentivize rural cellular deployment to increase equity across the nation. Americans are increasing their dependency on cellular phones for voice communications. Yet large portions of New York State, and many other states across the nation, are either underserved or not served at all by cellular phone carriers, preventing residents and visitors from accessing emergency services through E-911. The lack of cellular service has also become an impediment to economic advancement in underserved areas. Cellular service deserts must be addressed along with broadband access and affordability.

According to a study released in May of 2017 by the Center for Disease Control, 50.8% of US households rely solely on cellular phones—up from 24.5% in 2009. The percentage of young adults and renters who rely solely on cellular phone service is significantly higher with those aged 25-29 years old at 72.7% cellular reliance and adult renters at 71.5% cellular reliance. Consumers are moving to cellular reliance at a considerable rate, yet many rural areas throughout the United States remain either unserved or underserved by cellular carriers.

The sizable percentage of individuals who rely solely on cellular phone service, combined with the unserved and underserved areas of rural areas presents a substantial concern for public safety. Cellular phones and the requisite cellular coverage are, in many cases, the first link of our emergency response chain. Without adequate service, Americans who live in the unserved or underserved areas, along with visitors and travelers through these areas, cannot reach emergency services when they become necessary.

The Federal Communications Commission (FCC) designates the Universal Service Administrative Company (USAC) to administer the Universal Service Fund. The USAC established the High-Cost Program to provide funding to telecommunications carriers for the purpose of delivering service to rural areas where the market alone cannot support the cost to provide telecommunications services.

Should the next package include non-infrastructure related policy, we encourage you to consider the following steps to further bolster counties.

*Enhanced Federal Medicaid Assistance Percentage*

The best way to help our state and counties is through an increase in federal Medicaid assistance through FMAP and additional federal aid to help the state and counties replace a portion of the tax revenues we have lost in response to stopping the spread of the virus.

Governor Andrew Cuomo as the chair of the National Governor’s Association has sent correspondence to Congress requesting two critical inclusions with respect to enhanced FMAP. Specifically, the Governor is requesting an increase to enhanced FMAP assistance to 14% with an unemployment escalator. **Counties strongly support this request.**

As we have stated during negotiations on H.R. 6201 (2020), it is critical to include political subdivisions to be eligible for the FMAP who are presently responsible for paying Medicaid. The following language has been approved as part of H.R. 6201, and we urge that this language remain as part of this new stimulus package. This will ensure that counties receive a share of any additional...
FMAP assistance.

Specifically, we need to ensure this previously adopted language is not altered in the next federal stimulus bill:

(c) REQUIREMENT FOR CERTAIN STATES.—Section 1905(cc) of the Social Security Act (42 U.S.C. 1396d(cc)) is amended by striking the period at the end of the subsection and inserting ‘‘and section 6008 of the Families First Coronavirus Response Act, except that in applying such treatments to the increases in the Federal medical assistance percentage under section 6008 of the Families First Coronavirus Response Act, the reference to ‘December 31, 2009’ shall be deemed to be a reference to ‘March 11, 2020’. ‘’.

MCLs for PFOA/PFOS and Classify These Chemicals as Hazardous Substances

Counties across the state have been urging the U.S. Environmental Protection Agency (EPA) to set a country-wide maximum containment levels (MCL) for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and classify these chemicals as hazardous substances. New York has already classified PFOA/PFOS as hazardous substances on the state level in recognition of their negative environmental and public health impact.

Establishing a MCL for these chemicals and classifying them as hazardous substances is vital to protecting the health, safety, and welfare of New Yorkers. Exposure to PFOA and PFOS has been linked to kidney cancer, testicular cancer, pre-eclampsia, thyroid disease, developmental defects in fetuses, liver tissue damage, and immune system impairments, among other potentially life-threatening conditions.

Additionally, the EPA should classify PFOA/PFOS as hazardous substances to allow states and local governments to drawdown funds necessary for remediation. To provide Americans, including the most sensitive populations, with a margin of protection from a lifetime of exposure to PFOA and PFOS from drinking water, EPA has established the health advisory levels at 70 parts per trillion.

While a health advisory is an initial step in combatting this crisis, a health advisory is not adequate enough to effectively remediate these chemicals. The EPA must set an MCL for PFOA and PFOS.

Addressing Unfair SALT Federal Tax Reform Limits

While many New Yorkers benefit from some provisions in the Federal Tax Reforms enacted in December of 2017, many others are hurt by the $10,000 cap on the state and local tax (SALT) deduction.

As you know, New Yorkers pay some of the highest taxes in the nation. Every region of the state has homeowners that are deeply impacted by the SALT deduction cap. Areas where home prices are high are hit the hardest. This is especially true in the New York City metropolitan area, including Suffolk, Nassau and Westchester counties, which are home to two out of every three New York residents. This includes a large number of double-income middle class families.

The cap on SALT overturned 150 years of federal-state fiscal precedent under which the federal government agreed and understood that it was counterproductive and unfair to impose a de facto double tax on state residents—effectively taxing income that was never available to the taxpayer. That’s why the federal government provided a federal tax deduction for state and local taxes in the first place: to avoid applying federal taxes on top of state and local taxes already paid.

The SALT deduction cap also falls disproportionately on a handful of states, requiring them to pay for the lion’s share of the 2017 tax cuts for corporations and individuals nationwide. Compounding the damage of the SALT cap is that funding formulas to support federally mandated programs like...
education, public health, and safety, maintaining critical infrastructure, implementing and monitoring environmental and labor laws are often based on the overall wealth of individual states. The higher the wealth, the lower the federal match to support many mandated programs, which means these states, like New York, must raise more local taxes to pay for federal programs.

For decades, New York State has been a donor state to the federal government. This means we send far more in federal income taxes to Washington than we get back in federal grants, jobs, contracts and aid. Over the most recent five-year period New Yorkers have sent $143 billion more to Washington than they have received back. In the most recent year that federal data is available, this imbalance lowered the GDP for New York and other donor states while artificially enhancing the GDP of the 42 states on the receiving end of those enhanced federal payments.

The uncapped SALT deduction was the compromise established a century and half ago to create fairness between high and low-cost states. Unfortunately, that fairness was largely repealed in 2017. We strongly endorse congressional efforts to restore the balance and fairness of the tax code.

In closing, counties provide the front-line workers and fiscal resources necessary to respond to the pandemic and restore economic activity. We are doing this every day through our public health departments, first responders, emergency management personnel, elected leaders, county attorneys, social services, mental health, sheriff and police, and highway personnel who are all working hard to keep our communities safe and running smoothly.

We thank you for your continued efforts to provide assistance for the states and local governments who are working to stop the spread of the virus and support individuals, families, and businesses devastated by this crisis.

With this letter, we urge you to continue to engage with congressional leadership to advance this additional infrastructure and jobs stimulus package as soon as possible.

Respectfully your partner in government,

Stephen J. Acquario, Esq.
Executive Director

CC: New York Congressional Delegation
National Association of Counties (NACo)