



Comments on the Climate Action Council Draft Scoping Plan

Comments by Citizens Campaign for the Environment (CCE)

Submitted to the New York State Climate Action Council

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On behalf of Citizens Campaign for the Environment (CCE), thank you for the opportunity to provide testimony on the New York State Climate Action Council's Draft Scoping Plan.

Founded in 1985, CCE is a 120,000 member, non-profit, non-partisan organization that empowers communities and advocates solutions to protect public health and the environment. CCE works at the local, state, regional, and federal level to advance solutions to the climate crisis. We advocate for comprehensive energy policies that support renewable energy development, such as land-based wind, offshore wind, solar power, as well as energy efficiency, while ending our dependence on dirty, polluting fossil fuels.

CCE supports the Climate Action Council's Draft Scoping Plan overall, and thanks the Council for their extensive work and outreach in developing the draft plan. Fully implementing the strategies identified in the Draft Scoping Plan will help ensure that New York State successfully implements its nation-leading climate law, the Climate Leadership and Community Protection Act (CLCPA), including these critical directives:

- 85% Reduction in GHG Emissions by 2050
- 100% Zero-Emission Electricity by 2040
- 70% Renewable Energy by 2030
- 9,000 MW of Offshore Wind by 2035
- 3,000 MW of Energy Storage by 2030
- 6,000 MW of Solar by 2025
- 185 trillion Btu of end-use energy savings
- Investing 35% - 40% of CLCPA \$ in disadvantaged communities

CCE offers the following comments to identify priority strategies and identify opportunities to further strengthen strategies within the plan.

Electricity Production

The electricity sector comprised 13% of statewide emissions in 2019. New York must move aggressively to expand renewable energy use and phase out the use of polluting fossil fuels,

while ensuring that electricity remains **affordable** to New Yorkers, particularly those in low-income, disadvantaged communities. To meet our goals, CCE supports the following:

- **Set Annual Goals for Renewable Energy**

It is imperative that New York achieves CLCPA goals of 70% renewable energy by 2030 and carbon free electricity by 2040, and therefore, we must ensure that we are holding ourselves accountable every step of the way. New York should set **annual targets** for bringing new renewable energy and battery storage online. CCE supports a process in which the NYS Office of Renewable Siting sets annual targets for megawatts of renewable resources to be permitted each year through 2030 in such an amount that compliments the Tier 1 request for proposals procurements.

- **Establish a Schedule to Phase out Dirty Fossil Fuel Plants**

New York must also set an aggressive schedule to phase out fossil fuels power plants, with prioritization given to disadvantaged communities, which continue to be overburdened by pollution from fossil fuels. A clear schedule of plant retirements, in conjunction with a clear schedule for bring renewable energy online, will help ensure that we are meeting our renewable energy and greenhouse gas emission reduction goals on time, while protecting public health in communities that need it the most.

- **Facilitate Expanded Growth of Offshore Wind**

New York has vast offshore wind potential, and we will not meet renewable energy and decarbonization targets without offshore wind. We agree with the Draft Scoping Plan that New York should conduct further planning and pursue system upgrades on Long Island and in New York City to facilitate 9GW of offshore wind by 2035.

Furthermore, the state will need to further expand on this goal in order to meet the 2040 goal of a carbon free grid—estimates show that the state will need upwards of 20GW - 25GW. At a minimum, the State should aim for meeting 20% of projected 2040 winter demand – NYISO Projected Winter Energy by Technology – with Offshore Wind power (to meet 2040 decarbonization targets).

Not only must NY continue to support the growth of offshore wind off of our Atlantic Coast, NY must also strongly consider the contribution from the vast potential for offshore wind in the Great Lakes can provide. Strong winds on the Great Lakes contain over 20% of the nation’s offshore wind potential, and yet, they are completely untapped. Unlocking the potential of Great Lakes wind in NY’s Great Lakes’ waters—which needs to be responsibility-sited and stand up to rigorous, site-specific environmental review—could play a significant role in meeting clean energy goals and fighting climate change in New York State.

We are pleased that the New York State Energy and Research Development Authority (NYSERDA) is currently conducting a feasibility study on Great Lakes wind, which is evaluating potential environmental impacts, regulatory processes, available technologies, grid interconnectivity, port use and business opportunities, current lake uses, visual impacts, and more. NYSERDA has indicated that the results of the feasibility study will be released imminently. CCE urges the Climate Action Council to include Great Lakes wind as a strategy to

meet renewable energy goals in the Final Scoping Plan if the NYSERDA study determines that it is feasible.

- **Conduct a Robust Public Education Campaign on Renewable Energy**

Meeting NY's renewable energy goals will require strong public support. New York State should implement a robust public education campaign that provides accurate, easily understood, science/fact-based information to the public on renewable energy technologies, including land-based wind, offshore wind, solar, and geothermal. Providing the public with fact-based information is critical to combatting the misinformation on renewable energy technologies that continues to perpetuate in communities across the state. An effective education campaign would partner with credible messengers, including, but not limited to, environmental NGO's, community groups, scientists, and academia. Currently, NYSERDA is leaving all the public outreach to offshore wind companies which, in some cases, are experiencing various pitfalls.

Waste

The municipal solid waste generated in New York accounts for 12% of the state's GHG emissions. New York must address the significant climate emissions from the solid waste sector by addressing waste disposal and production.

- **Extended Producer Responsibility**

A proven, effective solution to help reduce waste and increase recycling, which in turn reduces greenhouse gas emissions from the waste sector, is to hold corporate manufacturers responsible for managing their products throughout their entire life cycle through a policy known as Extended Producer Responsibility (EPR). New York State already has established or is in the process of establishing programs for beverage containers, electronic waste, mercury thermostats, post-consumer paint, cell phones, pharmaceuticals, rechargeable and lead-acid batteries, and carpets. New York should act now to adopt strong EPR policies for product packaging & paper, mattresses, household appliances, all batteries, and other hard-to-recycle products that are contributing to our solid waste and climate crisis.

CCE strongly supports EPR for packaging and printed paper (PPP) and urges the Council to include recommendations for strong EPR PPP policy in the final scoping plan. New York generates more than 17 million tons of municipal solid waste annually. An estimated 40 percent of that waste is composed of product packaging and paper products, such as plastic containers, steel cans, plastic film, glass bottles, newspaper, and cardboard. New York's recycling rate is 18%. In regions where EPR exists, rates can reach 70% - 80%. It is estimated that more than 860,000 tons of recyclable materials are trashed each year in NY. Instead of being recycled, much of this waste is ending up as litter in our communities, shipped to landfills, or burned in trash incinerators. A strong EPR policy (i.e. sets strong and achievable goals for waste reduction, recycling rates, post-consumer recycled content; includes paper and single use plastics as covered materials, prohibits toxics in packaging, supports investment in municipal recycling infrastructure, provides strong incentives for reuse/refill) is estimated to reduce greenhouse gas emissions by over 2.3 million metric tons in NYS and should be included in the final scoping plan.

- **Expand the Bottle Bill**

One of the most successful environmental laws adopted in New York State is the Returnable Container Act (RCA) of 1982, commonly referred to as the Bottle Bill. This successful law places a 5-cent deposit on carbonated beverages and malt liquor bottles (and updated to include water bottles in 2009), thereby creating an incentive to recycle. According to the DEC, in 2020, the Bottle Bill helped to recycle 5.5 billion plastic, glass and aluminum beverage containers totaling 241,505 tons. Recycling beverage containers, rather than using raw materials, provides significant greenhouse gas emission reduction benefits.

While the Bottle Bill has been a tremendous success, it is in need of an update to reflect changing markets and inflation. To improve and modernize the Bottle Bill, New York's Bottle Deposit Law should be amended to include noncarbonated soft drinks, noncarbonated fruit or vegetable juices containing less than one hundred percent fruit or vegetable juice, coffee and tea beverages, carbonated fruit beverages, and wine, liquor, distilled spirit coolers, and cider and wine products as defined in section three of the alcoholic beverage control law, and the deposit be increased to 10 cents from 5 cents. A recent study by Reloop found that a modernized Bottle Bill would reduce greenhouse gas emissions by 224,000 metric tons annually in New York City alone. CCE recommends that this full modernization of the Bottle bill is included in the final scoping plan.

- **Ban Unnecessary Single Use Plastics**

Half of the plastic items produced are single-use items, used for a short time and then thrown away. It is estimated that the plastic industry releases at least 232 million tons of greenhouse gases each year throughout its lifecycle from the drilling for oil and gas to fuel its facilities to incineration of plastic waste. That is the equivalent of 116 coal-fired power plants. Reducing the use of unnecessary single-use plastics is an important strategy to reduce GHG emissions.

New York State is a national leader in reducing single use plastics—with bans on carry out plastic bags, EPS packaging, EPS packaging peanuts, plastic toiletry bottles in hotels—however, more needs to be done. CCE recommends that the final Scoping Plan recommend a comprehensive ban on unnecessary single use plastics, which includes, but is not limited to, certain plastic food packaging, utensils, plates, stirrers, cups, cigarette butts, plastic wrappers, bags, and straws (plastic straws available by request only).

- **Organic waste reduction and recycling**

Reducing the disposal of organics, including food scraps, is key to reducing the methane and CO2 emissions at landfills and combustion facilities. Food scraps make up 18% of the total MSW stream in New York. To help address this, CCE supports:

Setting a target of 2030 to end combustion and landfilling of municipal organic waste, with timetables for phase-down.

Strengthening the Food Donation & Food Scraps Recycling Law: Under current law, businesses and institutions that generate two tons of waste or more per week are required to donate the edible portion of their waste and recycle the rest if within 25 miles of an organics recycling facility. The two-ton threshold should be reduced to one ton by 2024

and a half ton by 2026. (Massachusetts has had a one-ton threshold in place for years and is reducing it to a half ton in November 2022.) Broaden the law to apply to hospitals, nursing homes, and K-12 schools.

Transportation:

We will not meet our goals without aggressively addressing our second largest source of GHG emissions—transportation. CCE supports strategies included in the Draft Scoping Plan to expand public transportation, making our communities more bikeable/walkable, smart growth development, and electrifying the transportation sector. Specifically, CCE supports the following in the final scoping plan:

- **Expand Use of Zero Emission Vehicles**

CCE supports strategies in the draft plan that are expected to result in as many as three million ZEVs (about 30% of LDVs and 10% of MHD vehicles) on the road by 2030, including providing enhanced ZEV purchase incentives, enhancing ZEV awareness and removing sales barriers, investing in and removing barriers for ZEV charging and fueling infrastructure, transitioning the State fleet to ZEV's, and others.

- **Uncapped Direct Sales of Electric Vehicles**

Despite the need to expand the use of zero emission vehicles in New York, legislation enacted in 2014 limited the direct sales of zero emission vehicles to just five licensed locations—all located downstate, leaving upstate residents without access to buy EVs. *NY cannot meet our climate and ZEV goals without providing greater consumer access to EV sales and service across the entire state.* New York can not continue to capitulate to various lobby interests seeking to restrict access to zero emissions vehicles in the face of climate change.

CCE urges the final scoping plan to include a policy that would give more New Yorkers the option to purchase and service zero emission vehicles across the state by allowing uncapped direct sales locations from multiple EV manufacturers. Expanding the sale of zero emission vehicles across the state will help reduce greenhouse gas emissions, meet important climate and ZEV goals, protect air quality, create jobs in the clean energy sector, and keep up with consumer demand in every region of the state.

- **Transportation Climate Initiative (TCI)**

The Transportation Climate Initiative (TCI) is a regional approach to addressing the pollution and climate change emissions from the transportation sector. New York, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and the District of Columbia are working together to tackle the massive challenge of reducing climate pollution from the transportation sector on a regional level. This unprecedented collaboration seeks to improve transportation, develop the clean energy economy, and reduce carbon emissions from the transportation sector.

Participating states are working together to adopt a regional policy to improve transportation systems and reduce pollution, known as the Transportation Climate Initiative Program (TCI-P). The TCI-P would set the region's first cap, or limit, on transportation-sector carbon pollution and

require oil companies that supply polluting transportation fuels like gasoline and diesel to reduce the pollution they cause over time. The TCI-P would also require oil companies to pay for the pollution their products cause, generating billions of dollars for investment in better, cleaner transportation solutions. Each state would each decide how best to use their share of these payments to reduce emissions and provide communities, workers, and businesses with equitable, clean, safe, and affordable low-carbon transportation choices. CCE urges the Council to include a recommendation for New York State to join TCI in the final scoping plan.