



July 1, 2022

Doreen M. Harris, President and CEO, New York State Energy Research and Department Authority  
Basil Seggos, Commissioner, New York State Department of Environment Conservation  
Climate Action Council  
% Draft Scoping Plan Comments, NYSEDA  
17 Columbia Circle  
Albany, NY 12203-6399

**Re: Climate Action Council Draft Scoping Plan**

Dear Co Chairs Seggos and Harris, and Members of the Climate Action Council:

Catskill Mountainkeeper is a nationally recognized advocate for the Catskill Region. Working with a network of more than 40,000 concerned citizens and strategic partners, Mountainkeeper protects our region's forests and wild lands; safeguards air and water; nurtures healthy, equitable, and sustainable communities; empowers environmental justice communities; and accelerates the transition to a 100% clean and just energy future in New York State and beyond. We submit these comments in response to the Climate Action Council's (CAC) Draft Scoping Plan (DSP). These comments are in addition to the comments of NY Renew, Earth Justice and Friends, and the Northeast Organic Farming Association of New York, which Catskill Mountainkeeper endorses and adopts here by reference.

**Introduction**

Mountainkeeper was at the forefront of the fight to pass the Climate Leadership and Community Protection Act (CLCPA). As crafters of and advocates for that law, we call on the CAC to adopt a Final Scoping Plan that gives equal weight to both the climate pollution reduction aspects and the climate justice aspects embodied within the CLCPA. As you consider all of the various, and likely competing, comments on the DSP and work to develop the final Scoping Plan, Mountainkeeper calls on you to hold firm on three main principles: *We can; We must; Together.*

*We Can:* New York State has the tools and solutions needed to take on the climate crisis while addressing issues of climate justice. The CAC's draft scoping plan is a strong starting point, and Mountainkeeper supports much of the rapid electrification scenario (scenario #3). Rapid electrification is based on known solutions while leaving the door open for future innovation. As New York State moves down this path, it must keep its focus on solutions that maximize greenhouse gas pollution reductions and air pollution while minimizing ancillary negative community or ecological impacts. New York State must eschew false solutions--those that would further tie us to carbon-emitting power production and a dirty and dangerous fossil fuel culture that we must leave behind.

Further, this is a critical moment to rethink how New York State delivers services--the state is going to have to simultaneously drive action at the community, regional, and state levels, and many of the existing systems are not designed to achieve multi-pronged outcomes. NYSERDA, New York State Department of Environmental Conservation (DEC), and state agencies writ large, must work with organizations and institutions on the ground, in the communities benefiting from and impacted by the programs that will flow from the Scoping Plan. One model for this work is the co-design process NYSERDA has been applying in some of its programs, wherein it collaborates not only with program implementation, but also to create a program which serves the community's needs. Mountainkeeper encourages all agencies to co-design programs with impacted communities.

*We must:* The debate about climate change is over--we're experiencing the devastating impacts of the climate crisis, and it's hitting Black, Brown, Indigenous, and low-income communities first and hardest. But New York's fight against climate changing pollution and the polluters spewing greenhouse gasses and co-pollutants is more critically important than ever, given the recent United States Supreme Court decision in *West Virginia et al. V. Environmental Protection Agency et al.* As the Court restricts the federal government's ability to regulate climate pollution, it is incumbent upon the states to continue the fight.

New York has long been a leader on environmental and climate issues; now it must push that much harder knowing that the federal government is unlikely to act with the desperate urgency that this crisis requires.

Not only is swift, strong, thorough, and compassionate action absolutely necessary to meet the crisis head-on, the cost of inaction outweighs the cost of action by more than \$90 billion. It would be foolish not to seize the opportunities that fighting this crisis will present: new jobs, cleaner air and water, healthier communities, and a more just and equitable future. But we'll only realize these benefits if we take strong action.

*Together:* As we fight the crisis, we all need to commit to doing so together. There should be no sacrifice zones, no communities left behind. We must move away from typical government practices and create new and more equitable ways to achieve our climate goals and mandates. Communities already know and have identified what they need in the way of solutions; our Government needs to listen and to follow. To emerge from this crisis together, New York State must fully fund solutions, while ensuring that the costs don't fall on low income, Black, Brown, or Indigenous communities. In addition to fully funding the plan, we need to ensure that at least 40% of the funding is invested in Disadvantaged Communities, as directed by the Climate Leadership and Community Protection Act.

### **Monitoring Air Quality in the Catskills**

As the DSP notes on page 36, DEC plans to implement the community air quality monitoring program required under the CLCPA by installing 10 air quality monitoring stations in disadvantaged communities (DACs) throughout the state in communities with five million or more people. By using this threshold,

New York is cutting the Catskill Region (the five diverse counties of Delaware, Greene, Otsego, Schoharie, Sullivan, and Ulster) out of the equation entirely.

Not only are there no proposed new air monitoring stations, there are currently zero DEC registered air monitors in any Catskills county. While there are four air quality monitors in the region listed on the EPA AirData website (AQS Site IDs 36-039-0003, 36-111-1005, 36-111-1002, and 36-111-2001), all four of these monitors are inactive, leaving the Catskill region without any access to air quality data.

This deficiency robs potentially vulnerable Catskills communities—which include industrial agriculture, urban population centers, and some industry, all of which contribute to toxic air pollution—of the ability to track data about air quality, an issue that has become especially problematic during the Covid-19 pandemic, which has spurred increased traffic and other air quality impacts from a major increase in visitors and new residents alike.

### **Health Impacts in the Catskills and in New York State**

While Chapter 8 of the DSP addresses many of the important issues related to the impact of climate change on public health, the analysis focuses almost exclusively on direct impacts of increasing global temperatures and intensifying storm patterns without addressing in detail the related health impacts from underlying activities that contribute to or cause climate change. Although health impacts from “the production, distribution, and use of carbon-based fuels” (p.58, Section 8.3) are acknowledged, the DSP provides quantitative data only for county-wide and state-wide monitoring (see Appendix F) to a very limited number of air pollutants. Consideration of “storage” and “disposal” of carbon-based fuels should be added as topics of concern, and this analysis should be expanded to include a much broader range of contaminants (including air, water, and soil contaminants) and to acknowledge the need for attention to particular, site-specific “hot spots” known or suspected to contaminate local areas or communities (such as near power plants and compressor stations).

The DSP should acknowledge explicitly that improvements in state and regional air quality (such as the Regional Greenhouse Gas Initiative known as RGGI) can come at the expense – and often come at the expense – of continuing or expanding burdens on local communities, which are often Disadvantaged Communities. When efforts at the state or regional level to benefit air or water quality move forward by burdening local communities, those communities must be “made whole” through protective interventions, including funding for electrification of buildings, provision of high quality air filters and improved heating and cooling systems, and immediate reductions in local fossil-fuel based transportation.

In considering climate-related health impacts (pp. 53-54), social impacts such as mental health impacts, including a lack of community cohesion and an increased sense of helplessness should be addressed (see *The Impact of Climate Change on Mental Health: A Systematic Descriptive Review* by Cianconi, Betro, and Janiri; <https://www.frontiersin.org/articles/10.3389/fpsy.2020.00074/full>). The analysis of impacts from more intense (heavier) and more frequent rainfall events should also be expanded to include impairments to ecosystems and therefore water quality, as well as the impacts of flooding.

The section on Health and Climate Policy (Section 8.2, pp 56-58) rightly addresses state and federal effort to control air pollutant emissions, yet it fails to point toward mechanisms to attain established air quality standards (for sulfur dioxide in St. Lawrence County and for ozone in nine counties containing 65% of the state's population) and to maintain and accelerate reductions in particulate matter in New York City and other areas of New York State.

Table 3 (p. 59) lists some but far from all of the established "Health Effects Associated with Carbon-Based Fuel Combustion Pollutants": this list should be expanded to include additional known health effects such as endocrine and reproductive health impacts, birth defects, and impaired cognition for some of the listed pollutants. Research documenting these impacts focuses on production of fossil fuels yet also attends their distribution, storage, disposal, and use (see *The Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking*; <https://concernedhealthny.org/wp-content/uploads/2022/04/CHPNY-Compendium-8-FINAL.pdf>). A "full-cycle" analysis of emissions related to the fossil fuel sector should also include consideration of radon and other Naturally Occurring Radioactive Materials (see <https://www.epa.gov/radtown/radioactive-waste-material-oil-and-gas-drilling>) and "forever chemicals" such as per- and polyfluoroalkyl substances, often call PFAS chemicals (see *Fracking with "Forever Chemicals"* by Dusty Horwitt ; <https://www.psr.org/wp-content/uploads/2021/07/fracking-with-forever-chemicals.pdf>).

Climate policies should inform the public about the broadest range of possible health impacts in order to allow and encourage adaptive changes that can empower and protect individuals and communities.

The consideration of hydrogen combustion (under Power Generation, pp. 60-61) does not distinguish sources of hydrogen, such that sources associated with increased emissions of air contaminants (so-called Blue Hydrogen) are potentially lumped in with low-emissions sources (so-called Green Hydrogen). At a minimum, the DSP should call for further study that includes consideration of the "full-cycle" emissions of innovative power sources.

The discussion of increasing the reliability of the electric grid would benefit from explicit consideration of distributed energy generation as opposed to continued or expanded centralized power generation.

Catskill Mountainkeeper applauds the broad and detailed analysis found in the section of the DSP addressing Transportation (pp. 61-64). Solid research supports the multiple benefits of approaches identified in this section and elaborated in later sections of the DSP, including reducing single-occupancy vehicle travel, reducing gasoline and diesel use, increasing use of electric-powered transit buses and farming equipment, planning for Complete Streets that ensure the safety of all roadway users ("pedestrians, bicyclists, public transportation users, and motorists"), and neighborhood walkability. The section could be strengthened by pointing toward public policies and funding streams that can best support this wide range of low or no carbon alternatives in the transportation sector. Echoing the DSP, we note that transitions to low and no carbon alternatives in the transportation sector are particularly

likely to improve health outcomes for Disadvantaged Communities that have long suffered burdens from air contaminants from a primarily fossil-fuel based transportation sector.

Mountainkeeper also strongly supports the recommendations for Buildings and the Built Environment, the Outdoor Built Environment, and the Housing/Residential Built Environment, noting, in accord with the DSP, that electrification of buildings and provision of cool “green spaces” in urban areas offers immediate benefits to many previously burdened Disadvantaged Communities (pp. 64-68). The analysis of residential wood heating in New York State has particular relevance to the Catskill region; since many of the individuals utilizing residential wood heating may be motivated by low costs associated with this approach, coupling funding streams with other approaches may be extremely helpful in encouraging a transition away from wood heating and toward healthier, more sustainable approaches.

The discussion of potential benefits from carbon capture and sequestration in the section addressing the Commercial/Industrial Built Environment (p. 68) is thin on documentation and potentially overly optimistic in claiming that these approaches “could reduce GHG emissions.” As the DSP acknowledges, “carbon capture technology requires energy, which can lead to additional power sector emissions”; moreover, carbon capture technology may lead to or encourage energy production approaches, such as fracking for fossil-fuel combustion, that are also associated with GHG and other harmful emissions. Due to a lack of evidence for benefits in terms of lowering GHG emissions and reducing other contaminants, Mountainkeeper does not at this time support public funding for research into or implementation of carbon capture and sequestration approaches.

### **Transportation**

The DSP clearly states that, “land use policies that shift travel to cleaner shared mobility alternatives or reduce discretionary single occupant VMT [vehicle miles traveled] provide significant community benefits such as air quality improvements and reduce the number of ZEVs [zero emissions vehicles] needed to meet GHG [greenhouse gas] emission reduction requirements.” Yet despite this recognition, New York state seems to be stuck in a state of cognitive dissonance as it simultaneously works to reduce VMT and greenhouse gas emissions while pursuing a goal of widening Route 17 from two to three lanes on the 47-mile stretch between the Harriman interchange and Liberty under the guise of easing congestion and promoting economic development. This is one proposal with which Catskill Mountainkeeper is very familiar, yet it is not the only proposed oversized infrastructure project which should be reevaluated.

The New York State Department of Transportation (DOT) claims that a general use third lane on Route 17 would have “potential environmental benefits”—a claim which is completely unsubstantiated. The supposed environmental “benefit” completely ignores the well-documented effect of “induced demand,” a well-documented phenomenon in traffic management which reflects the basic economic “law of demand” which states that the consumption of a good (in this case Route 17) increases as its price (or consumers perceived costs) declines. Therefore, reducing congestion reduces the generalized cost of driving, along with a reduction in consumer’s perceived cost (i.e. time), which encourages more peak-period vehicle travel. To date, Catskill Mountainkeeper has not seen any recognition on the part of

the NYSDOT of induced demand, nor any attempt to address this well-known and predictable outcome of increasing the traffic capacity of Route 17.

Route 17 and other major traffic infrastructure projects should be evaluated in a new light, under the CLCPA, and the final Scoping Plan should include strong language to limit overbuilt and/or unnecessary projects like this one that tie New York to a dirty, fossil fuel past. Even when New York succeeds in converting most single passenger cars to ZEVs and EVs, there are still emissions embodied in their production and use. The more the state can focus its efforts on building out public transportation and reducing VMTs, the more successful it will be at achieving its emissions reductions requirements.

### **Indigenous Sovereignty**

Catskill Mountainkeeper applauds DEC and the Onondaga Nation's recent announcement of the intent to return 1,000 acres of land in Central New York to the Nation. This is a monumental act, one that helps to provide some justice to some of New York's indigenous people.

The state should build on this momentum by recognizing Nations' sovereign immunity and incorporating their needs and perspectives into the final scoping plan. New York must also find a viable pathway for native nations to participate in power generation. As it stands, at least in National Grid territory, if a nation wants to connect a solar project to the grid, National Grid requires the nation to waive sovereign immunity. This is a very specific, but impactful, example of how the state's current systems fail to incorporate native nations' needs and leave them out of our renewable energy future. This is unacceptable and must be addressed, both in the Scoping Plan and throughout state law and regulation.

### **Conclusion**

Catskill Mountainkeeper extends a heartfelt thanks to all of the CAC members for their time and energy. Please do not hesitate to reach out with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ramsay Adams". The signature is written in dark ink and is positioned above a thin horizontal line.

Ramsay Adams, Executive Director