

June 29, 2022

**Draft Scoping Plan Comments**  
**NYSERDA**  
**17 Columbia Circle**  
**Albany, NY 12203-6399**

RE: Comments on the Climate Leadership and  
Community Protection Plan (CLCPA)

Thank you for having the Draft Scoping Plan (hereinafter called 'The Plan') available through July 1 for comments. The Draft Scoping Plan outlines what is perceived to be energy efficiency measures that achieve the Climate Act energy efficiency goal. The goals are as follows:

- Transition from fossil fuels to electrification in buildings,
- Zero emissions electricity,
- Transportation electrification,
- Enhancement of transit, smart growth, and reduced vehicle miles traveled (VMT),
- A transition to low-GWP refrigerants and enhanced refrigerant management,
- Maximizing carbon sequestration in New York's lands and forests,
- Eliminate fugitive methane emissions across the waste, agriculture, and energy sectors, and
- A diverse portfolio of solutions in industry, including efficiency, electrification, and limited and strategic use of low-carbon fuels and carbon capture technologies for certain industrial applications.

Scenarios that meet or exceed GHG emission limits, achieve carbon neutrality by midcentury are as follows:

- Foundational themes across all mitigation scenarios based on findings from Advisory Panels and supporting analysis,
- Zero emission power sector by 2040,
- Enhancement and expansion of transit & vehicle miles traveled reduction,
- More rapid and widespread end-use electrification & efficiency,
- Higher methane mitigation in agriculture and waste, and
- End-use electric load flexibility reflective of high customer engagement and advanced techs

Although there has been a lot of work performed to put this scoping document together, and I do respect the people who did this work, I firmly believe the goals and methods to achieve these goals are far beyond what we need to do to protect the environment, will compromise the available energy that NYS residents rely on and have extremely high costs that the residents of New York State cannot afford.

My own background includes almost 40 years working on projects that were beneficial to the environment, starting with the work at Love Canal in the summer of 1982 on the demolition and disposal of the 200 homes in Ring 1 and Ring 2 adjacent to the Love Canal landfill. This was just before my senior year at Clarkson College.

Since graduating from Clarkson College in 1983, I have worked across New York State over the past 39 years as a Civil/Environmental Engineer, with the last 24 years being employed as a Professional Engineer working for the NYS Department of Environmental Conservation (NYSDEC) in the Buffalo region.

During the previous 15 years I worked in the Capital District and the Mid-Hudson Valley of NYS, on a number of different projects which included working for the NYSDOT and NYSDEC, as a Town Engineer for two Schenectady County municipalities, two seasons with FEMA, and two engineering consultants on land use development projects.

My work experience in the Civil and Environmental fields has afforded the opportunity to be a part of and to see many significant changes and positive impacts to earth environment that are beneficial to NYS residents as a whole while still affording us a comfortable standard of living.

Applying a basic economic theory called the Law of Diminishing returns, I firmly believe that we have made significant changes to improve the environment over the past 40 years that NYS residents can afford and still maintain a good standard of living.

Any future changes should be driven more by economic opportunity than forced regulation like we can see here in the Draft Scoping Plan. The recommendations of this DRAFT Scoping Plan are excessive and will significantly drive up the costs to NYS residents to the point where it will have a very negative impact our standard of living.

The recommendations are thwarted and biased. The statistical analysis is also extremely biased, making decisions on earth impact based on 50 years of weather data when the earth is much older than that!

I have attached some comments on the specific chapters, but I want to say here that, even though there are many good people that helped develop this plan, it was a complete waste of your time and our tax dollars to do this.

I very much recommend discarding this Draft Scoping Plan. If you want to revisit this issue, I would gladly make my time available to serve on any committee you put together to rewrite this plan.

I am retiring from the NYSDEC soon, so I ask you to take my comments and concerns into consideration and please feel free to contact me if you have any questions, comments or need assistance with your future efforts.

Sincerely,

James A. Sacco Jr., P.E.

[REDACTED]

Lockport, NY 14094

[REDACTED]

[REDACTED]

Cc: Governor Kathy Hochul

NYSDEC Commissioner Seggos

Alan Davis – Modern Corporation

**COMMENTS on**  
**DRAFT SCOPING DOCUMENT for**  
**Climate Leadership and Community Protection Plan (CLCPA)**

**The following are my comments on the DRAFT SCOPING PLAN CHAPTER 2: The Time is Now to Decarbonize our Economy**

- In **CHAPTER 2: The Time is Now to Decarbonize Our Economy, Section 2.1 Scientific Evidence of Our Changing Climate** based the need to mitigate Climate Change based on what the World Meteorological Organization found that in the 50-year period from 1970 to 2019. Considering the fact that the earth's environment is many thousands (or even millions) of years old, this sample size of 50 years is not large enough to determine the impact that changes to the climate will impact the earth environment. A larger sample size is most definitely needed to determine the impacts that changes to the climate have on the environment.

- I have great concern with the first statement in **CHAPTER 2: Section 2.2 Climate Projections**, "Climate change is here, and the related impact In New York are projected to grow." With all due respect to the people who generated this Draft Scoping Plan, I would hope they realize that the earth's atmospheric climate changes all the time and has done so for longer than we can document. The human race has only had a very local impact on the earth's climate, which is minimal (de-minimus) compared to other impacts that the earth itself has on its own natural climate and how it changes. Climate change also does not affect groups of people differently based on their race or ethnic origin. It affects people more so based on the geographic location of where they choose to live. New York State's climate in different regions is affected by the storms and wind direction that develop in the individual drainage basins (mostly the Great Lakes and the Hudson River Basin, than the minimal effect of human impacts.

- Although the statement in **Chapter 2: Section 2.3 Benefits of Climate Action Climate change** stating that climate change itself is adversely affecting economic well-being, public health, natural resources, and the environment of New York may have some credibility. There is really nothing that the human race can do to change or improve that. Climate change is natural and the impact on such change is minimal, at

best. Investing in these failed, unproven methods to address changes in the climate will cause more financial hardship on the NYS taxpayers. Instead, we should be prepared to readily address climate disasters when they do occur, and allow NYS residents more freedom to spend their own money on items they believe are most important for their own use.

The Legislation Chapter 423 of the Laws of 2021 is a seriously excessive requirement which will have an extreme negative impact on the residents of NYS. It states that new non-road vehicles and equipment sold in New York are targeted to be zero-emissions by 2035, and new MHD vehicles sold in New York are targeted to be zero-emissions by 2045. The costs are excessive and the benefits to humans and the environment are minimal.

**COMMENTS on**  
**DRAFT SCOPING DOCUMENT for**  
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**The following are my comments on the DRAFT SCOPING PLAN CHAPTER 4: Current Emissions**

\* **Chapter 4. Current Emissions** states that the DEC is required to release an annual report on GHG emissions as a measure of progress toward reaching the Climate Act's emission limits and net-zero goal. The recommendation is that emission reductions are needed from all sectors of the economy to achieve the goals and requirements of the Climate Act. The Climate Act, along with the Legislation Chapter 423 of the Laws of 2021 is a seriously excessive requirement which will have an extreme negative impact on the residents of NYS. It states that new non-road vehicles and equipment sold in New York are targeted to be zero-emissions by 2035, and new MHD vehicles sold in New York are targeted to be zero-emissions by 2045. The costs are excessive and the benefits to humans and the environment are minimal.

**COMMENTS on**  
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**The following are my comments on the DRAFT SCOPING PLAN CHAPTER 5: Overarching Purpose and Objectives of the Scoping Plan**

- **Chapter 5. Overarching Purpose and Objectives of the Scoping Plan, Section 5.1 NY Climate Vision:** Inform Agency Actions - states that this draft Scoping Plan is intended to act as a strategic plan for State agencies, authorities, and other entities that are responsible for implementing new policies and programs. Many of the sector specific chapters are organized by policy themes, and each of those themes includes several strategies that are intended to mitigate GHG emissions or enable the mitigation of GHG emissions.
  - **Chapter 5, Section 5.3 Summary of Strategies** states that through the process of the developing this draft Scoping Plan to this stage, the Council recognized several key strategies that are fundamental to achieving the GHG emission limits and net zero GHG emissions: • Energy efficiency measures that achieve the Climate Act energy efficiency goal • Transition from fossil gas to electrification in buildings • Zero emissions electricity • Transportation electrification • Enhancement of transit, smart growth, and reduced vehicle miles traveled (VMT) • A transition to low-GWP refrigerants and enhanced refrigerant management • Maximizing carbon sequestration in New York’s lands and forests • Fugitive methane emissions mitigation across the waste, agriculture, and energy sectors • A diverse portfolio of solutions in industry, including efficiency, electrification, and limited and strategic use of low-carbon fuels and carbon capture technologies for certain industrial applications. The development of this Plan, which includes these fundamental strategies, is one of the pillars of New York’s planned climate action. Climate justice, a just transition, and the benefits to public health are the remaining pillars and are discussed in the following chapters.
  - **As Stated in the cover letter, and each of the comments here in the individual sections, it is recommended that this overarching purpose and objectives of this DRAFT Scoping Plan be revised entirely.** Any future changes should be driven more by economic opportunity than forced regulation like we can see here in the Draft Scoping Plan. The recommendations of this DRAFT Scoping Plan are excessive and will significantly drive up the costs to NYS residents to the point where it will have a very negative impact our standard of living.  
The recommendations in the DRAFT SCOPING PLAN are thwarted and biased. The statistical analysis is also extremely biased, and should be revised entirely before appropriate actions are taken into consideration.