

**Written Comments of Save the Sound
To The New York State Climate Action Council**

Re: Draft scoping Plan

July 1, 2022

Save the Sound is a nonprofit organization representing over 4,200 member households. Our mission is to protect and improve the land, air, and water of New York, Connecticut and the entire Long Island Sound region. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.

Thank you for the opportunity to comment on the New York State Climate Action Council Draft Scoping Plan.

A recent report of the Intergovernmental Panel on Climate Change indicates that the minimally acceptable level of progress is reaching net-zero emissions by 2050.¹ And even if we reach that goal, we can still anticipate “an increasing occurrence of some extreme events unprecedented in the observational record”²

The Final Scoping Plan must take a strong stand, informed by the best available science, the best practices from other jurisdictions, and a clear commitment to achieving our climate goals. New York has recognized that we cannot be successful in achieving our climate goals if we continue to add to our emissions.

Additionally, in evaluating the cost-effectiveness of policies, the Scoping Plan must consider the cost of inaction on climate, as well as the health externalities associated with burning fossil fuels like natural gas and oil. The Scoping Plan should explicitly recognize the co-benefits of reducing emissions such as green jobs, economic development, increased resilience and, cleaner air, and improvements in public health.

Transportation

With respect to Transportation, we support the Draft Scoping Plan’s recommendations regarding Transitioning to ZEVs and Equipment, Enhancing Public Transportation and Mobility Alternatives, Smart Growth and Mobility-Oriented Development, and Market-Based Solutions and Financing.

Like many states in the northeast region, New York has committed to ambitious but necessary ZEV deployment goals. New York’s goal requires that all new light-duty vehicles sold in the state be zero emissions by 2035. For medium and heavy-duty vehicles, this transition must occur by 2045.

California ACC II and ACT Standards and ZEV Incentives

¹ IPCC, 2021: Summary for Policymakers. In: *Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the sixth Assessment Report of the Intergovernmental Panel on Climate Change*. [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press. In Press.

² *Id.* at SPM-19.

Transitioning all LDVs and MHDVs to zero emissions technologies, particularly battery electric power-trains, is a critical element of meeting our climate and public health goals. While the Draft Scoping Plan appropriately notes the need for additional measures, such as expanded clean transit options, the use of personal motor vehicles is unlikely to diminish anytime soon. In order to achieve the necessary greenhouse gas reductions from the transportation sector, it is important to “meet people where they are” and provide them with clean, zero emissions transportation alternatives that meet their needs and preferences.

To this end, we enthusiastically endorse New York’s adoption of the California Advanced Clean Cars II (ACCCII) and Advanced Clean Truck (ACT) standards. This proposal builds on New York’s long and successful history of implementing California’s emissions standards for light-duty vehicles.

Enhanced ZEV Purchase Incentives will be especially important for transitioning medium and heavy-duty vehicles to ZEVs. While the upfront costs of light-duty EVs has been steadily declining, with some popular models reaching price parity with their ICE equivalents, electric heavy-duty trucks and buses are still more expensive to purchase than their conventional equivalents. We encourage New York to take advantage of the significant federal funding available for the purchase of EV school buses through the Investment and Infrastructure Jobs Act, as well as establishing state-funded grants for the purchase of a broader range of electric medium and heavy-duty vehicles. Connecticut, for example, recently established a grant program to provide matching funds to municipalities, school districts, and school bus operators to support applications for federal funds for zero emission school buses and EVSE, and authorized the establishment of a voucher program to support the deployment of zero-emissions MHDVs and EVSE.

We also endorse the Draft Scoping Plan’s direction to establish utility programs to incentivize the deployment of electric vehicle charging infrastructure and to implement utility rate reforms to remove barriers to EV charging such as utility demand charges.

Public Transportation and Mobility Alternatives

We are glad to see an emphasis on enhancing access to clean public transit and other low-carbon mobility alternatives. Individuals who either do not have access to, or do not want, a personal vehicle, should be able to rely on convenient, affordable, and reliable alternatives. Additionally, the state’s land-use planning should encourage the development of compact, transit-friendly communities that make foregoing a personal car or truck a realistic option for individuals.

Transportation and Climate Initiative

Finally, recognizing the enormous challenges ahead in meeting our greenhouse gas reduction targets from the transportation sector, we urge New York to re-engage with the Transportation and Climate Initiative (TCI). New York is well positioned to be leader in reconvening interested states in this effort. The recent surge in fuel prices, coupled with the growing evidence of how climate change is impacting us today, has underscored the need for a comprehensive program designed to effectuate the transition away from polluting fossil fuels to zero emissions vehicles as quickly as possible.

Buildings

Decarbonizing the state’s building sector is a critical strategy to meeting New York’s mandatory greenhouse gas reduction levels. We are pleased to see specific performance benchmarks to achieving a significant transition to Renewable Thermal Technologies (RTTs), such as heat pumps.

There is broad consensus that in order to responsibly address climate change, the beneficial electrification of the building sector is critical. The immediate benefits of building electrification for households will be magnified over time as we expand clean distributed energy systems such as solar and build out a smart grid that can provide both energy and bill savings through demand response programs.

Renewable Thermal Technologies and Heat Pumps

Replacing heating oil or propane heating systems (and in several use cases, natural gas as well) with heat pumps has been shown to be cost-effective for consumers.³ As noted by the Rocky Mountain Institute in its 2018 study of building electrification, “electrification is cost-effective for customers switching away from propane or heating oil, for those gas customers who would otherwise need to replace both a furnace and air conditioner simultaneously, for customers who bundle rooftop solar with electrification, and for most new home construction, especially when considering the avoided cost of gas mains, services, and meters not needed in an all-electric neighborhood.”⁴

Despite the increasing value proposition of building electrification, heat pump deployment efforts throughout the Northeast region have lagged behind what is needed to reach our climate targets.⁵ We must be more focused and deliberate in our efforts to educate customers, promote clean renewable technologies, and ensure a rapid and orderly transition away from fossil fuels.

Low Carbon Fuel Standard for Heating, Appliance Standards and Net-Zero All Electric Building Codes

We recognize that not every household may be ready to install a new heat pump system in the near-term, even with incentives. Recognizing that this transition will take time, New York must ensure that fossil fuels being used for building end-uses during the transition produce the least amount of pollution possible. Accordingly, low carbon emissions standards for heating oil and stringent efficiency standards for appliances using fossil fuels should be adopted and enforced.

At the same time, net zero and all-electric building standards should be adopted for all new construction. There is no debate that heat pump technology for new buildings is a cost-effective proposition.⁶ Requiring all-electric building standards for new construction is a least-cost approach to reducing emissions.

Energy Benchmarking and Disclosure

Finally, in order to help move the real estate market towards investing in energy efficiency and renewable thermal technology upgrades, we support the Draft Scoping Plan’s recommendation to adopt energy benchmarking and disclosure requirements. This information is of particular importance in the residential rental market, where low-income households can shoulder significant energy burdens but the “split” incentives between the tenant and landlord provide a barrier to making the necessary energy improvements to the property. Providing renters with information related to the energy expenditures that they will face as they consider signing a lease will (1) provide them with the information that they need in order to make important housing decisions and manage their budgets and (2) provide an incentive for landlords and building owners to make prudent investments in building weatherization and energy efficiency improvements as they seek to attract residents.

Industry

On Industry, we support the Draft Scoping Plan’s recommendations regarding Financial and Technical Assistance; Low Carbon Procurement; Workforce Development; Research, Development, and Demonstration; and Economic Incentives.

³ Sherri Billimoria, et al., *The Economics of Electrifying Buildings: How Electric Space and Water Heating Supports Decarbonization of Residential Buildings*, Rocky Mountain Institute (2018). Available at [The Economics of Electrifying Buildings - RMI](#).

⁴ Id., at 6.

⁵ Miroslav Bergram, et. al, *Accelerating Building Electrification in New England*, The Harvard University Institute of Politics Environmental Policy Group at 13 (January 2020).

⁶ See Claire McKenna, et al, “All-Electric New Homes: A Win for the Climate and the Economy,” Rocky Mountain Institute (October 15, 2020). Available at <https://rmi.org/all-electric-new-homes-a-win-for-the-climate-and-the-economy/>.

Financial and Technical Assistance

New York State should provide technical and financial assistance to overcome barriers and other challenges to implementing emission reduction solutions necessary for decarbonization. Industrial facilities often disproportionately affect Disadvantaged Communities, and investments should be prioritized to target industries with the greatest impact on these communities. The Climate Justice Working Group noted that emissions reductions strategies for Industry do not mention regulation to drive down industrial emissions as close to zero as is technically possible, therefore we support additional regulation on industrial sources within the Climate Act requirements to limit emissions leakage.

Low Carbon Procurement

The State should create procurement incentives so that manufacturers will produce less emission-intensive goods to capitalize on the increased demand for such goods. The strategy would aim to identify carbon intense materials, develop standards, and provide policy support. The specific procurement framework and scoring methodology for any such procurement preferences need to be evaluated against a set of criteria that would effectively and equitably reduce emissions and grow a robust local workforce and manufacturing sector.

We support this strategy, as well as a “best value” procurement framework to score bids that commit to climate mitigation efforts and related workforce, training, local hire, and apprenticeship programs targeted to residents in Disadvantaged Communities.

Workforce Development

Workforce development is key. We support the Draft proposal to invest in workforce development to expand training to new clean energy workers and adjacent industries and prioritize disadvantaged communities and low-income residents for job training and placement by community to employment pipelines and on-the-job training investments. Additionally, we support growing local supply chains and creating jobs in clean energy businesses that serve Disadvantaged Communities, as well as providing dedicated support to people of color- and women-owned enterprises to innovate and actively participate in the electrification of the buildings sector.

Research, Development, and Demonstration

NYS should support methods of research, development, and demonstration that prioritizes reducing fossil fuel combustion for industrial heat, replacing it with electric heat whenever feasible.

Economic Incentives

The State should continue to develop an in-State supply chain of green economy businesses by offering economic incentives like loans, grants, tax credits, technical assistance programs, or even venture capital investments. The extent to which the State's support of green economy businesses are directed towards Disadvantaged Communities would at a minimum meet the Climate Act's requirement to target clean energy spending to benefit these areas.

Adaptation and Resilience Strategy Components

Commit to Creating, Implementing, and Updating a Comprehensive and Equitable State Climate Change Adaptation and Resilience Plan

We strongly support the appointment of a chief state resilience officer and convening an adaptation and resilience sub-cabinet to develop an adaptation and resilience plan and ensure interagency coordination.

Identify and Evaluate Options for Supporting Equitable Adaptation and Resilience Practices and Projects, and to Enhance Insurance Protection

Creating a resilient infrastructure fund through the Environmental Bond Act, to be placed on the 2022 ballot, will allow for this work laid out in the scoping plan to be implemented. We are in favor of this recommendation and strongly believe that if approved, all programs funded by the bond act should focus on Disadvantaged Communities.

New York State should invest in building staff capacity at the Department of Environmental Conservation to be able to review and approve critical regulatory protections for rivers, streams, and tidal wetlands throughout the State.

Develop Policies, Programs, and Decision Support Tools to Reduce Risks Associated with Coastal and Inland Flooding

Save the Sound strongly supports the recommendation to right-size our aging infrastructure, such as culverts and bridges at road-stream crossings, to reduce flood risk and improve habitat connectivity. We agree that municipalities and practitioners in the State would benefit greatly if DEC were to hire a statewide technical assistance coordinator to support this work.

Dam removal is a critical ecological restoration and climate resiliency opportunity. We support DEC in 1) commencing implementation of the recommendations of its Dam Removal Working Group (due June 2022), 2) adopting a policy on dam removal, including creation of a general permit for dam removal, and 3) hiring a technical coordinator to guide dam owners through the evaluation and permit process. We agree that it would be beneficial for State agencies that own dams to undertake a comprehensive review of dams on state property and initiate removals.

We strongly support the recommendation to adopt a green infrastructure plan to incentivize the use of green infrastructure and natural resources, including urban forests, to reduce climate risks. Identifying opportunities to “directly fund, prioritize or otherwise incentivize use of such measures, particularly in disadvantaged communities” will result in broader-scale implementation of these practices, and water quality improvements and localized flood mitigation in communities most impacted by environmental injustice.

Living Systems: Develop Policies and Programs to Reduce Risks Threatening Ecosystems and Biodiversity

We support these recommendations, such as, improving local wildlife and aquatic connectivity and expanding conservation easements and incentive programs. Prioritizing biodiversity and carbon sequestration should be done not only in forest management plans but also in freshwater and tidal wetland management planning, as wetlands act as highly productive carbon sinks.

The protection of our rivers and streams is critical not only for local ecosystems, but for healthy floodplain function and flood mitigation. We support the State in creating a regulatory program to ensure protection of stream buffers to protect and enhance water and habitat quality, reduce flood risk, and prevent soil erosion. The State should both establish this program and build staff capacity to ensure that Class A, B, and C streams can be properly protected throughout New York.

Waste

On tackling Waste, we encourage the State of New York to refer to the [Zero Waste Hierarchy](#) for consideration in future policy development. The Zero Waste Hierarchy describes a progression of policies and strategies to support the Zero Waste system, from highest and best to lowest use of materials. It is designed to be applicable to all audiences, from policy-makers to industry and the individual.

Organic Waste Reduction and Recycling

Save the Sound supports significant reduction in the disposal of organics and the enactment of legislation to amend and expand the existing Food Donation and Food Scraps Recycling Law (2019) to phase in organics source separation requirements, as well as bringing an end to combustion, and banning the landfilling of organics. New York State’s Food

Donation and Food Scraps Recycling Law currently requires the covered entities to donate edible food to the maximum extent practical and expansion of the law to other generators will lead to additional donation.

Ending the disposal of food scraps and yard waste at landfills and incinerators is an important action the State can take to cut emissions from this sector.

Waste Reduction, Reuse, and Recycling

NYS should support policies that encourage systems thinking to reduce waste as a priority, while also encouraging greater recycling. Additionally, we recommend convenient recycling collection programs throughout the State and that these programs receive adequate funding.

Extended Producer Responsibility/Product Stewardship

The State should enact broad expanded producer responsibility (EPR) legislation. This would include legislation or targeted programs for large impact programs such as packaging as it relates to addressing emissions from the waste sector.

Waste Resource Recovery Facility Conversion

Biogas generation generated from waste is not sufficient enough to require or justify new transmission infrastructure. The State should limit on-site use of biogas captured from waste management and not permit significant new transmission infrastructure.

Fugitive Emissions Monitoring, Detection, and Reduction

Embracing Zero-Waste strategies in policy advancement will help control fugitive emissions from landfills, sewage plants and other methane sources. Separating organics from the waste stream in particular is a critical step in reducing emissions from the waste sector.

Recycling Markets

Recycling markets are a necessary component of any successful recycling program and the emissions reductions achieved. The Plan supports market development, recyclables procurement, tax credits for recycled products, and enhanced use for organics produce. We support recycling programs that cut the need for virgin materials (such as aluminum, lead and copper,) and reduce emissions from the manufacturing of consumer goods.

Biogas Use

Lastly, (as iterated in the Waste Resource Recovery Facility Conversion section,) the use of biogas should be limited to strategic uses such as on-site needs, local uses, and other uses that would not encourage the extended use of fossil fuels. Caution should be taken to avoid biogas use intentionally or inadvertently leading to the extended use of fossil fuels. This would pose obstacles to meeting the required greenhouse gas reduction targets under the Climate Act.

Closing

Thank you for the opportunity to submit public comment in support of climate resilient future for New York State.