

Thank you for this opportunity to provide comments on the draft Climate scoping plan. My name is Judith Myerson and I live in Pine Bush, New York, in the town of Mamakating. I am asking that you meet the goals set by the Climate Leadership and Community Protection Act, insure that our state has an effective and realistic plan in place to meet climate goals. By doing so we can serve as a model for other states and the world for a just transition to renewable energy and insure a future for humans and other species on Earth. While I am 72, and will not be here to see the results if we do not quickly shift our path, my grandchildren and their children will reap the consequences of our actions or inactions. We owe it to them to act ethically, morally, and comprehensively now, and do all that is possible to create a livable, sustainable, safe and equitable world for all.

TOP LINE SECTION:

Please include the following recommendations in a top-line recommendation section of the plan. This will insure that the outcomes of this plan are driven by both climate and environmental justice, as required by, the Climate Leadership and Community Protection Act (CLCPA).

The mandates put forth by the Climate Action Council must be legally enforceable against industries that do not follow regulations. Timelines for the reduction of emissions for each sector also need to be specified. Provisions for environmental justice and emission reduction in the plan will mean nothing if they cannot be either measured for compliance or enforced.

A comprehensive funding system is also imperative; mandates for comprehensive funding need to be set. This means a system to fund reductions in greenhouse gas emissions and co-pollutants as well as transition to a renewable-energy economy. The plan states a need for a policy that prices greenhouse gas emissions to serve as a funding source that will both advance CLCPA goals and provide a consistent “market signal” to influence individuals and businesses to engage in actions that reduce emissions and support clean technology market development. Significant NYS governmental investments also need to reflect full acknowledgement of the climate crisis and environmental injustice. This to serve the public and complement private investments in making massive transitions to a clean energy economy, funding public transportation expansion and other projects. If necessary congruent legislation needs to be initiated and passed for this to occur.

Industry sector emissions reductions targets and enforcement of said targets as set by the CLCPA must be clearly specified for all industry sectors, in the final plan. The draft scoping plan does not clearly specify GHG emissions targets for certain sectors and indicates current targets that are inadequate to the overall CLCPA targets (i.e. 85% reductions in GHG emissions by 2050). It also does not include legally enforceable goals for industry action. The final scoping plan must specify the level of

mandated reductions in greenhouse gas emissions and co-pollutants that each industry sector must achieve by 2050 and the other dates set forth in the CLCPA, as well as a timeline for achieving such reductions. A system for enforcement of these targets needs to be clearly spelled out. The final plan should also specify the state agency or agencies responsible for enforcing the CLCPA target reductions for each sector.

The final scoping plan also must have detailed recommendations for regulations for each sector of the economy to ensure that CLCPA targets are achieved.

“Negative emissions” technologies should not be relied on to meet CLCPA targets. The plan must also provide interim annual benchmarks that specify the reductions required for each period and by industry sector. The principles embodied in the Gas Transition and Affordable Energy Act can be looked to as a model for these policies.

There must be legally enforceable mandates for each sector applicable to both businesses and individuals, as well as specific business targets when feasible.

The final scoping plan must specify in detail the regulatory mechanism by sector once targets are set per industry. This, to ensure that each can achieve its goals, and include the regulatory steps, including legislation, necessary to achieve these goals. While the current scoping plan has instances where regulatory measures are set forth, such as in the buildings sector, this is not true for every sector.

The CAC must also review the state’s regulatory structure by industry sector to determine what legislative and regulatory changes are necessary. This, to ensure that structures are put in place that mandate all businesses in New York comply with the clear GHG and co-pollutant reduction targets. A schedule that conforms with the CLCPA and puts recommendations for such changes needs to be put in the final scoping plan.

Additionally, there should be more clarity on each agency’s obligations in regard to CLCPA climate and equity mandates: Sections 7(1), 7(2), and 7(3) in Article 75 of the Environmental Conservation Law. The provisions that are set forth in section 7(1) require all state agencies to “assess and implement strategies to reduce their greenhouse gas emissions;” section 7(2) the “climate screen” that requires all state agencies and other entities to consider whether the permitting actions, contracts and other decisions in regard to GHG emission goals and identify alternative mitigation measures; and section 7(3), the “equity screen” that provides that permits, contracts, and other decisions cannot “disproportionately burden” disadvantaged communities. These provisions have a significant number of ambiguous or unresolved legal issues needing clarification; this will require broad expertise in climate policies, including how to implement internal operations in collaboration with state agencies to make well-informed changes with internal practices that evenly implement the CLCPA.

Lastly, the final scoping plan should establish a process to ensure the achievement of the CLCPA investment mandate related to Climate Justice. Under the CLCPA, 40% of the benefits of energy and related programs must benefit “disadvantaged communities” to allow economic development through clean energy. This “investment mandate” is intended to ensure that communities of color and low-income communities will get their fair share of the benefits of our state’s transition to a renewable energy economy and that we can begin to address the historic harms suffered by so many of these communities. The Climate Justice Working Group (CJWG) or another state entity should provide formal guidance to state agencies that are subject to the investment mandate as to how to modify budgeting, contracting, grant-making, and other procedures so as to implement this critical provision. Without this guidance and strong leadership, the investment mandate provision is unlikely to be implemented in accordance with the statutory intent.

In Summary:

1. The final Scoping Plan must specify the level of mandated reductions in greenhouse gas emissions and co-pollutants that each industry sector must achieve by 2050 and the other dates set forth in the CLCPA, as well as a timeline for achieving such reductions.
2. There must be mandates for each sector that are legally enforceable against businesses and individuals and specify targets for individual businesses when feasible.
3. In addition, the final scoping plan should clarify each agency’s obligations in regard to CLCPA Sections 7(1), 7(2), and 7(3) in Article 75 of the Environmental Conservation Law.
4. The final scoping plan should establish a process to ensure the achievement of the CLCPA equity investment mandate.
5. To prevent false solutions, the state must establish, if necessary by legislation, a system to fund greenhouse gas emissions and co-pollutant reductions and a transition to a renewable energy economy.