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[April Summaries of the Climate Action Council Advisory Panel and Working Group Meetings](#)

## Transportation Advisory Panel – Friday, April 9, 2021

*By Anastasia Gordon*

The thirteenth meeting of the Transportation Advisory Panel featured an update from The Cadmus Group on the status of the New York Clean Transportation Roadmap study. This was followed by a last review of the Panel’s draft mitigation recommendations, which will be advanced to the Climate Action Council (CAC) in May for inclusion in the scoping plan to achieve NY’s climate law.

Dr. Geoff Morrison of the Cadmus Group kicked off the Panel meeting with a presentation on the preliminary results on greenhouse gas (GHG) emissions and energy from the Clean Transportation Roadmap for New York State, an analysis being undertaken on behalf of NYSERDA. For the reference case, which assumes the continuation of current state policies and advancements in fuel economy, projections show reductions in GHG emissions and fuel consumption are due to efficiency improvements in light-duty vehicles while other transportation modes remain relatively flat through to 2050.

Morrison then outlined four mitigation scenarios showing different policy bundles across two dimensions, electrification and mode shift. Among these policies, California’s [Advanced Clean Cars II \(ACC2\)](#) and [Clean Trucks \(ACT\)](#) rules had the greatest impact on overall emissions reductions across all four scenarios. For both emissions and direct energy use, the most dramatic changes occur by 2040 and 2050 compared to the reference case. Aviation was the only subsector that showed no change in terms emissions reductions and direct energy use. Morrison highlighted the difficulty of decarbonizing the industry even with the utilization of jet biofuels.

Panel member, Nancy Young (Airlines for America) challenged this emphasizing that it does not reflect what is happening at a federal level and the targets set by the [industry](#) to achieve net zero emissions by 2050. Adam Ruder (NYSERDA) clarified that NY’s climate law requires gross GHG accounting, which makes it difficult to reflect reductions from aviation and other industries that use liquid fuels and have tailpipe emissions. However, Deputy Commissioner Jared Snyder (DEC) pointed out they become more prominent when considering how to achieve 100% net zero emissions, as mandated by

the climate law. Ultimately, Young advised the Cadmus Group to be clear on the narrative as identifying aviation as a dirty industry could be “potentially destructive.”

Dr. Morrison wrapped up his presentation by giving examples of individual policy effects to illustrate and emphasize the importance of the sequence of policies and the emissions reduction impacts of the ACT and ACC2 regulations. Additional analysis is underway to measure the impacts of criteria pollutants, equity, societal and state costs. During feedback, Jared Snyder expressed concern about conservative projections of fuel economy standards, especially in anticipation of the [Biden Administration intentions to strengthen them](#) while Bob Zerillo (New York Public Transit Association) enquired about comparing the emission reduction impacts of other policies, particularly doubling transit and smart growth. Morrison explained the difficulty in doing so noting that some policies are easier to isolate than others.

After a brief recap of the Health and Equity roundtable that was held on April 6 by Panel member, Ranae Reynolds (NYC Environmental Justice Alliance), the Panel reviewed its mitigation recommendations for the last time before forwarding them to the CAC. The review focused on changes to the strategies that were made based on stakeholder input including from Health and Equity roundtable. State staff noted that aggregate emissions reductions of the Panel’s recommendations falls short of where NY needs to be based on [E3’s decarbonization pathways analysis](#) but federal policies could assist.

These recommendations include strategies to transition to zero emission passenger cars, trucks, buses and heavy equipment, enhance public transportation/mobility, connectivity and convenience (including fleet modernization and smart mobility and connected automated vehicles), and to promote smart growth and system efficiency. Moreover, the Panel is recommending a suite of financing and market-based policies including participation in the [Transportation and Climate Initiative](#) (TCI) unless the CAC opts for economy-wide carbon pricing.

The latter approach is being proposed in the [Climate and Community Investment Act](#) (CCIA). Ranae Reynolds emphasized that the CCIA should be explicitly included as a recommendation to the CAC and reflect the concerns of environmental justice (EJ) advocates with respect to TCI. Julie Tighe (NYLCV) Albert Gore (Tesla) respectively noted features/options that could address some EJ concerns with the cap-and-invest program including providing funding to electrify mass transit, which is more often used by low-income communities as well as increasing the minimum equity investment requirement from 40% to 50% like Connecticut did when it [recently approved its legislation](#) to implement TCI.

Over the next couple of weeks, the Panel will continue to refine these recommendations. It is also holding one more expert [roundtable on freight](#) on April 30. Once finalized, the recommendations package will be sent to the CAC in May. Panel

chair, Commissioner Marie Therese Dominguez will present these strategies at the May 10 CAC meeting. Materials from this and previous Panel meetings can be found [here](#).

## **Land Use and Local Government Advisory Panel – Thursday, April 8, 2021**

*By Anastasia Gordon*

The adaptation and resilience subgroup of the Land Use and Local Government (LULG) Panel held a public engagement session on April 8. This subgroup comprises of LULG Panel members, working group state staff, and liaisons from each advisory panel. The purpose of the engagement session was to garner input on [11 adaptation and resilience recommendations](#) that will be presented to the Climate Action Council (CAC) in June for inclusion in draft scoping plan to achieve NY's climate law, the Climate Leadership and Community Protection Act (CLCPA).

Assistant Director of the Office of Climate Change and moderator, Mark Lowery (DEC) started the session with an overview of effects of climate change, the CLCPA, and NY's [Community Risk and Resilience Act](#) (CRRRA). The CLCPA made several amendments to the CRRRA including mandating DEC to assist with climate risk planning and requiring permit applicants to consider physical risks of climate change. It also authorized the CAC to incorporate adaptation and resilience recommendations in the scoping plan.

Lowery also outlined the scope of the adaptation and resilience working group, which is to develop hazard-specific adaptation and resilience proposals, and recommendations to enhance community resilience and statewide adaptation and planning as well as recommendations specific to proposed greenhouse gas (GHG) mitigation strategies. Lowery then summarized the [draft adaptation and resilience initiatives](#) under consideration organized by themes of capacity building, communities and infrastructure, and living systems before inviting comments from the public.

A Fairmount resident kicked off feedback calling for the inclusion of sea level rise projections into building codes including options for amphibious buildings that can respond to storm surges and sea level rise. "Water is where the impacts of climate change are felt the most," remarked a representative from Riverkeeper. He advised the subgroup to include strategies to guard against underlying causes of pollution, manage water related sources of GHG emissions like dams and sewage, and promote investments in watershed management and drinking water protection. Another commenter called for the valuation and investment in trees recognizing the broad and cross-sector benefits they produce such as cooling, reduced storm water runoff, and community revitalization in dense areas.

There were also questions pertaining to [Part 490](#), regulations that would establish and update State sea-level rise projections (as required by the CRRRA) at intervals that keeps up with the relevant climate science. In response to a question on speeding up

the timeline for the CAC to develop the scoping plan, Lowery explained the rule making processes of the State would make that difficult. He also clarified AR3, an initiative that would amend [NY Town Law Article 12 Sec 190](#) to allow water protection districts to collect climate impact fees to fund local resilience projects. Furthermore, Lowery highlighted current laws and a recommendation under consideration to regulate activities in existing adjacent wetlands that will become part of future wetlands, responding to a question on how the proposed initiatives strengthen protection of these areas.

A controversial initiative discussed was AR11, which includes developing a comprehensive strategy to transition existing natural gas infrastructure to renewable natural gas or hydrogen. One commenter questioned whether this would encourage the expansion of fossil fuel infrastructure in the name of reliability to which Lowery noted he was not prepared to give a definitive response on. There were also several questions on the [Environmental Bond Act](#). The Bond Act was recently passed as part of the state's 2021-2022 budget and could fund many of these proposed climate adaptation and resilience initiatives. Lowery also responded to concerns over government takeover of ocean properties that will be affected by sea level rise. He reiterated that there are no plans for the government to do so but Bond Act eligible projects could involve strategic buy outs - "though we are a long way from that point," said Lowery.

Stakeholders are invited to send in written comments on these adaptation and resilience strategies by close of business on **May 7** via [email](#) or by post. The final meeting and review of these recommendations by the adaptation and resilience subgroup will occur on April 24 and by the entire LULG Panel on May 4. Once finalized, these recommendations will be sent to the CAC on May 14 and presented at its June 8 meeting. Materials from this meeting can be found [here](#).

## **Power Generation Advisory Panel – Wednesday, April 7, 2021**

*By Anastasia Gordon*

At its 10th meeting, the Power Generation Panel reviewed and discussed its draft recommendations on the retirement of fossil fuel-fired facilities, clean energy siting and community acceptance, and energy delivery and hosting capacity. This was followed by an hour-long public input session to gain feedback on these recommendations. The Panel will submit its final recommendations to the Climate Action Council (CAC) in May for inclusion in the scoping plan to achieve NY's climate law, the Climate Action and Community Protection Act (CLCPA).

### Panel Recommendations Discussion

After opening remarks, Chair Sarah Osgood (NYS DPS) gave an overview of the last subset of recommendations under consideration. The first proposed strategy on the

retirement of fossil fuel-fired facilities comprised of undergoing an iterative planning process and developing regulations to develop emissions reduction targets to reach zero-emissions by 2040, as required by the CLCPA. Another element of this recommendation was a moratorium on the build-out of fossil-fuel facilities – a strategy met with mixed views.

Panel member Lisa Dix (Sierra Club) clarified that the moratorium would stop both the repowering and build of new facilities while the planning (including gas planning docket at the PSC) and regulatory processes are taking place. Emphasizing its key role in CLCPA compliance, Kit Kennedy further noted that “without the moratorium, we risk a rush to gas until these processes are put in place.” Additionally, she pointed out that there is a safety valve if fossil fuel generation is needed addressing reliability and reiterated that the moratorium would alleviate the impacts on disadvantage communities who host these plants, which could also become stranded assets in 2040.

Several other panel members expressed their support for this proposal including NYCP’s Betta Broad who saw the moratorium as market signal similar to the fossil fuel bans being considered by the Energy Efficiency and Housing Panel. Vote Solar’s Stephan Roundtree added the entire recommendation including the moratorium gives the state an opportunity to study distributed energy resources (DER) while Annel Hernandez (NYC EJA) emphasized that the moratorium is aligned with the CLCPA and will give renewable energy and energy storage projects a fighting chance.

In contrast, John Reese (Eastern Power Generating Company) expressed his opposition to the moratorium highlighting that it would be unnecessary, potentially harmful, and gives up on already complex processes such as Article 10 that are already in place to regulate siting of fossil fuel plants. Emilie Nelson (NYISO) added the focus should be on the planning process emphasizing that the moratorium takes solutions off the table and is not in line with the CLCPA and how it is structured (based on the understanding of the power sector). In the end, it was agreed that the moratorium will be put forward to CAC with the preface that the proposal has majority support from the Panel.

The second recommendation centered on providing information/resources for local communities to make beneficial siting decisions about renewable energy projects in their community. There was general support for this recommendation. Stephen Roundtree as well as Cecilio Aponte (AES Clean Energy) emphasized the fundamental role of the state in funding and fostering community acceptance and socializing the clean energy transition through education. Betta Broad highlighted the need for funding grassroots level education programs similar to those run by [Solar One](#) and [Relay](#) for children in K-12, which will engender more support for clean energy in the community.

There was also a call for the inclusion of increasing the state’s [NY-Sun](#) 6 MW solar energy generation mandate in addition to proposals to combine utility scale generation

with locally owned DER. Darren Suarez of Boralex Inc. added that addressing non-wires alternatives and community ownership will promote community acceptance and renewable energy development. William Acker (New York Battery and Energy Storage Consortium) also emphasized the need for a dashboard showing the degree of penetration and the availability of renewable energy and energy storage which will have implications for siting. Additionally, he called attention to energy storage permitting as a siting issues to be addressed.

The last recommendation discussed dealt with pursuing planning and implementation processes to facilitate hosting capacity and energy delivery options for renewable energy buildout. In addition to relieving bottlenecks and pursuing research and development, Acker recommended including language to specify optimizing/rapidly deploying advanced grid technologies and energy storage. Moreover, he reiterated the need for a dashboard that will show the degree of penetration of DER and renewable energy to have help with siting decisions. Emilie Nelson echoed the need for tremendous investments in energy resources but also studies to identify investments for transmission and distribution systems for future energy delivery.

### Public Engagement Session

This discussion was followed by a public engagement session. Several petitioned the Panel to consider renewable natural gas and nuclear energy. Contrastingly, many opposed these and other alternative fuels like green hydrogen citing concerns over safety and environmental costs, especially for disadvantaged communities as well as being false solutions to climate mitigation. There was also strong support for renewable energy development and banning new fossil fuel infrastructure including fracked gas. Enel North America's Joel Harrington proposed bridge incentives and a clean, dispatchable energy resources standard to help support the deployment of energy storage, particularly downstate where it is needed the most.

Other commenters called for more DER, residential demand response, and creative solutions to cut energy use, in addition to beneficial electrification and energy efficiency. A Schenectady county resident expressed concern for building large scale renewable energy on prime farmland and the industrialization of rural landscapes. Juan Pablo of Friends of Columbia recommended siting solar on right of ways and transmission systems out of the way of communities and ensuring they benefit from clean energy projects through cheaper power as measures to address community opposition to clean energy.

In closing, the chair encouraged Panel members to continue collaboration and refining recommendations. The next meeting in late April/early May will be dedicated to discussing the final recommendations package, which will be presented to the CAC on May 10. The presentation and notes from this meeting can be found [here](#).

## Transportation Advisory Panel - Tuesday, April 6, 2021

*By Anastasia Gordon*

The Transportation Panel held a roundtable on environmental justice (EJ) and public health on April 6. Experts on the roundtable included environmental justice advocates, community organizers, public health professionals, and researchers from New York and from other jurisdictions. The purpose of the roundtable was to garner input and new ideas to address equity and air pollution as the Panel works towards finalizing its recommendations to reduce emissions from the transportation sector in May.

Deputy Commissioner Jared Snyder (DEC) set the context by giving an overview of the equity provisions of the NY's climate law and in the Panel's recommendations to transition to zero-emission vehicles and utilizing alternatives to single occupancy vehicles through mass transit and smart growth. After brief introductions, Toby Berkman of the Consensus Building Institute and moderator then kicked off the discussion by asking each panelist about their research, impacts of clean mobility projects in their jurisdiction, and/or insights the Panel can consider to address equity and public health:

NYC Environmental Justice Alliance's [Jalisa Gilmore](#) spoke about her organization's recent [Community Air Mapping Project for Environmental Justice](#) (CAMP-EJ). The analysis revealed elevated particulate matter that is 2.5 micrometers or smaller (PM25) in communities living near local facilities like the Hunts Point Food Distribution Center in South Bronx and the "Toxic Triangle" - an area between Cross Bronx, the Bruckner, and the Sheridan Expressways. Gilmore also noted that hyper localized PM25 concentrations varied from one block to another and are 20x higher than government monitors. The CAMP-EJ report recommends targeted interventions to mitigate air pollution in these hotspots and from the transportation sector as well as support for community-based/grassroots organizations to collect hyper local air quality data.

Similarly, [Ana Baptista](#) (The New School/ NJ Environmental Justice Alliance) outlined the findings and recommendations of a community-based participatory research on the impacts of mobile source emissions in Newark, NJ. The [study](#) modelled emissions exposures to PM25, black carbon and nitrogen oxides (NOx) finding that communities near to ports and highways are most impacted by these co-pollutants while pollution from non-passenger vehicles outweigh light-duty vehicles (LDVs). Baptista noted that an aggressive regulatory approach is required to drive down diesel emissions from non-passenger and medium- and heavy-duty vehicles (MHDVs) to deliver more tangible benefits to environmental justice (EJ) communities versus market-based measures such as the [Transportation and Climate Initiative](#) (TCI) program. Specifically, adopting California's [Advanced Clean Trucks](#) (ACT) and [Low NOx Omnibus](#) rules, in addition to its zero-emissions drayage fleet goals. She also noted the opposition to a clean fuel standard (CFS) from the EJ community, which advocates identify as a false solution to climate mitigation.

William Barrett from the American Lung Association (ALA) highlighted the need to move rapidly to reduce pollution from the combustion of transportation fuels - a public health crisis that compounds and unduly burdens in disadvantaged communities.

Transportation pollution causes asthma attacks, cardiac arrests, developmental harm to children's lungs, lung cancer, and premature deaths. Barrett emphasized that a suite of policies is required to reduce transportation emissions including increased transit, walking /biking as well as regulations such as CFS, the ACT and Omnibus rules while ensuring investments are directed towards those who need it the most. He also advocated specifically for transportation electrification noting that public benefits for NY could amount to \$4 billion, according to the ALA's Road to Clean Air [report](#).

Based on her experience on the California Air Resources Board's Environmental Justice Advisory Committee, Martha Arguello (Physicians for Social Responsibility) gave insights on emissions reduction policies implemented in California did not adequately address EJ and air pollution. Specifically, she noted that its [cap-and-trade program \(AB 32\)](#) resulted in local poor air quality hotspots disproportionately burdening low-medium income communities while the [community air protection program \(AB 617\)](#) resulted in competition of communities for funding and was opposite of what the EJ community asked for (i.e. regulation). Additionally, Arguello warned of the unintended consequences of policies such as smart growth such as gentrification. In the end, she advised the Panel to focus on air pollution not just reducing carbon emissions and to challenge the dogma that cap-and-trade is the only solution to improving air quality and public health.

Lastly, Hana Creger (Greenlining Institute) gave an overview an equity [evaluation](#) of 12 clean mobility pilots and programs in California. This [Clean Mobility Equity Playbook](#) serves as guide for other jurisdictions and gives specific and transformative recommendations that tackle mobility equity. Like Martha, Creger highlighted flaws with cap-and-trade programs noting that they do not meet the needs of these communities and are difficult to replicate/ scale and unsustainable in the long-run. Programs that best addressed equity were those that are anti-racist, avoid harms, have a multi-sectoral approach, are community-driven, build capacity, and establishes paths to wealth building. Among these programs include road charges, congestion pricing, low emission zones, and taxing rideshare companies.

This was followed by a discussion on recommendations to address pollution from cars versus trucks. Baptista reiterated that starting with MHDVs will have the most immediate impacts on public health while Jalisa Gilmore added that incentives to electrify MHDVs and public buses would be most helpful. On the other hand, both Hana Creger and William Barrett were in agreement that both should be prioritized. Creger emphasized that funding should be targeted to the people that suffer the most. For LDVs, she recommended that grants/incentives should be applied at point of purchase and available for used EVs, and to build in affordable financing options. With regards to MDHVs, Barrett re-emphasized the need to adopt the CFS and ACT rule and ensure



diesel trucks are operating efficiently in real world applications to reduce transportation emissions.

Other issues that were raised include the lack of enforcement in implementing green zones, the regressive nature of gas taxes which fall on LMI communities, the transference of emissions from the transport sector to the energy sector with electrification, and the dearth of funding to decarbonize drayage fleets. In terms of the latter, Baptista called for sustained investment and strong regulations to turn over diesel trucks rather than a regional TCI program. Barrett noted that California's [Advanced Clean Fleets](#) rule is a robust standard to ensure that drayage fleets transition to zero-emissions while also retiring older dirty trucks. Lastly, in response to a question from a Panel member as to what is needed to achieve immediate reductions while we transition to zero-emission trucks, the roundtable offered several approaches such as supporting hyper local air quality monitoring and community-led solutions, retrofitting diesel vehicles, and using best available technologies to reduce local sources of air pollution such as autobody shops and dry cleaners.

Feedback from this roundtable will be used to inform the Panel's recommendations, which will be presented to the CAC in May. The Transportation Panel reconvenes on April 10.