



119 Washington Avenue, Suite 1G
Albany, NY 12210
518.432.1405
info@aceny.org | www.aceny.org

[August 6, 2021](#)

[Summaries of the CAC, Advisory Panel and Working Group Meetings - August 2, 2021](#)

Climate Justice Working Group – Tuesday, July 27, 2021

By: Anastasia Gordon

On July 27, the Climate Justice Working Group continued to review and discuss draft scenarios and documentation on indicators considered as they work towards voting on the list of indicators that will identify disadvantaged communities (DAC). This is the mandate of the CJWG under NY's climate law. The working group also received an outline of the plan for the public process from DEC's Alanah Keddell-Tuckey. There will be a 120-day comment period and 6 public hearings to garner input on these draft indicators and scenarios, beginning in September. The CJWG will reconvene later in August.

Illume, the consultants assisting the CJWG with its work, led a review and discussion on the documentation of DAC indicators considered. Out of 160 indicators, they have prioritized 45 indicators which fall into two categories, (1) community burdens and potential risk and (2) population vulnerabilities. CJWG member, Abigail McHugh-Grifa (Rochester People's Climate Coalition) suggested utilizing more prescriptive, easily understandable language or subtext to differentiate these categories. The consultants committed to adjusting the framework describing the community burdens as "characteristics of place" and for population vulnerabilities, "people-based vulnerabilities".

Another question was whether there was need to cull the list of 45 indicators, seeing that California, which has gone through a [similar process](#), has a shorter list of 22 indicators. The consultants noted that they had no issues with the list remarking that the selection of the indicators is a different process to California driven by the CJWG. NYSERDA's Chris Coll also remarked that the public process will give other perspectives that the working group would not have considered. Illume is currently working out the process of incorporating other criteria/indicators identified by the public. The CJWG also grappled with the question of how to weigh environmental burdens with future climate risks/vulnerabilities such as vector borne diseases and extreme flooding events.

The CJWG then went on to look at draft scoring scenarios using a mapping tool to review potential areas designated as DACs across NYS. Working group members

expressed concern that lower income census tracts were being left out. The consultants proposed adding a filter or setting a threshold for income. This will capture low-income, rural areas outside of NYC, where currently most environmental burdens are concentrated. Preliminary findings show that 59% of DACs are in the city. NYC Environmental Justice Alliance's Eddie Bautista was cautious, noting that there are studies showing that race is more indicative of burden than income.

At the other end of the spectrum, another consideration was that there are high-income coastal areas in Long Island not designated DACs despite their vulnerabilities to flooding. The Illume consultants explained that factors contributing to this low vulnerability score is the low percentage of black, indigenous and people of color in addition to high-income and the weightings between climate change and historical burdens. Nevertheless, CJWG members reiterated that investments should be targeted to disadvantaged communities who are not politically able to call attention to their environmental burdens.

Next, DEC's Alanah Keddell-Tuckey walked the working group through the public process, which is required by NY's climate law. Once the draft DAC criteria are voted on by the CJWG and released, there will be 6 public hearings (3 downstate and 3 upstate and available on WebEX) as well as a 120-comment period whereby stakeholders can send input on the draft criteria via mail and email. There will also be educational session(s) to inform constituents about the climate law and the process to develop the DAC criteria. Keddell-Tuckey expressed the desire for the CJWG to be actively involved in these sessions as well as be present at the hearings, though not mandated to. She clarified that the public hearings would be tailored to the specific locations they will be held. In the end, all comments will be collected, manually categorized by DEC, and made a matter of public record.

As next steps, the consultants will continue revising the draft scenarios while the CJWG members were asked to review the indicator documentation and dig into the maps. Acknowledging concerns about CJWG availability in August, it was decided that upcoming meetings during that month would be consolidated. In the week of September 12, there will be an in-person physical meeting from multiple locations to vote on the DAC indicators and scenarios. The CJWG will also give feedback on the recommendations from the [Agriculture and Forestry](#) and [Land Use and Local Government](#) Panels at the August 23 CAC meeting. CJWG preparation for this meeting will be handled offline. Meeting materials for this meeting can be found [here](#).

Climate Action Council – Thursday, July 22, 2021

By: Anastasia Gordon

The meeting of the Climate Action Council (CAC) on July 22, though plagued with technical difficulties, centered around feedback from the Climate Justice Working Group

(CJWG) on the [Power Generation Panel's recommendations](#). NYSERDA's Carl Mas then gave an update on the ongoing integration analysis, including the draft reference case. The integration analysis will evaluate the societal costs and benefits of the panel mitigation recommendations. This will help inform the CAC's work to develop the draft scoping plan to achieve the goals of the NY's climate law, which is due at the end of 2021. The CAC reconvenes August 23.

After receiving state updates from co-chairs, DEC Commissioner Basil Seggos and NYSERDA's President Doreen Harris, CJWG members tagged teamed to present their feedback on the Power Generation Panel recommendations. In general, the working group was supportive many of the proposals including recommendations on workforce development, resilience, distributed generation/distributed energy resources, and the retirement of fossil fuel facilities, among others. However, they expressed concern about the promotion of "false solutions", particularly alternative fuels like hydrogen and biofuels. Moreover, the CJWG felt there was not enough consideration of cumulative health impacts or emphasis being placed on energy democracy and reducing rates for low-moderate income (LMI) customers.

Carl Mas (NYSERDA) then gave an update on the integrated analysis process. Initial test modelling incorporating major panel policy recommendations like accelerating the deployment of renewable energy systems, transitioning to 100% zero-emissions vehicles, and phasing out fossil fuel use in buildings, showed they fell short of meeting the emissions limits of NY's climate law. The mitigation scenario would reduce emissions by 30% below 1990 levels by 2030 and by 80% by 2050, whereas the climate law calls for declines of 40% by 2030 and 85% by 2050. Therefore, the CAC members were tasked to suggest mitigation scenarios and additional policy measures beyond the panel recommendations that will achieve the goals of the law.

The integration analysis team will develop alternative mitigation scenarios based on this input and present the findings to the Council by September. Mas noted that once the team gets feedback on additional strategies, they can fully evaluate the societal costs and benefits that would be needed to understand the implications of and make decisions about what mitigation policies to include in the scoping plan. There will also be a county-by-county analysis of co-pollutants impacts in the integration analysis. It is anticipated that the final results of integration analysis will be presented to the CAC in October.

At its meeting on August 23, the CAC will hear more feedback on the panel recommendations from the CJWG and receive an update on NY's [Climate Assessment](#). There will also be [speaker session](#) on reliability planning on August 2 at 1 p.m. Visit the [Climate Act website](#) for materials and the recording for this meeting.

Climate Justice Working Group –Tuesday, July 20, 2021

By: Anastasia Gordon

At its meeting on July 20, the Climate Justice Working Group (CJWG) received an update from the Climate Action Council's (CAC) Executive Director, Sarah Osgood. Illume, the consultants assisting the CJWG with its work to develop criteria to identify disadvantaged communities, as required by NY's climate law, also gave an overview of documentation of all indicators that have been considered and prioritized to date. The CJWG plans to hold 6 public hearings starting in September.

In her update, Osgood shared that upcoming CAC meetings will focus on discussion on the integrated analysis of the [panel recommendations](#) and how it will inform the scoping plan or as she described it, the "strategic, high level document" that will guide the achievement of NY's climate law. It is anticipated that the CAC will release a draft scoping plan by the end of December 2021. She invited the working group to provide continued feedback on the [panel recommendations](#) at the CAC's upcoming meetings through to November. In addition, Osgood welcomed their input on the integrated analysis and policy suggestions for the draft scoping plan.

CJWG members shared their concerns about the shifting and tight timeframes to give input. Eddie Bautista (NYC Environmental Justice Alliance) noted that this made planning and doing their statutory responsibilities difficult. Others questioned whether the CAC would be responding on how the CJWG's feedback on the panel recommendations are being documented and integrated. In the end, Osgood committed to setting up a dedicated meeting on engagement pathways between the CAC and CJWG moving forward. She also committed to posting the scheduled meetings of the CAC, at least through to October.

Next, Chair Rosa Mendez (NYSDEC) went over the CJWG's proposed timeline to develop disadvantaged communities' criteria. The working group will review documentation and reach consensus on the draft indicators and scoring scenarios, which they will vote on by the end of August. There will be 6 public hearings and a 120-day comment period on these draft indicators and scenarios beginning in September. The aim is to finalize the criteria by the end of the year/ early 2022. Once finalized, the state can begin to track the minimum 35% clean energy and energy efficiency investments that should go towards NY's disadvantaged communities, as required by NY's climate law.

Illume consultants then gave an overview of draft technical documentation of all indicators that have been considered and prioritized to date. The document is intended to help prepare the CJWG to vote on the draft indicators that will be posted for public comment. Out of 160 indicators, 45 were prioritized, more than the 22 indicators California used when they did a [similar process](#) to identify disadvantaged communities. These indicators fall into two main categories, community burdens and potential climate risks and population vulnerabilities.

The consultants also went through different disadvantaged communities' designation scenarios using a mapping tool. Using different examples of communities around NY, the CJWG grappled with income and how to capture low-income, rural communities. Current analysis show that most disadvantaged communities are in New York City where most environmental burdens occur. Another consideration was whether places undergoing high levels of gentrification like in Brooklyn should qualify as a disadvantaged community.

The CJWG members were asked to continue this ground-truthing exercise and review and provide comments/questions on the indicator documentation for its next meeting on July 27. Recordings and materials for all CJWG meetings can be found [here](#).