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Climate Justice Working Group Update

By Jeff Jones

With statutory deadlines and the anticipated release of the Climate Action Council's CLCPA-mandated scoping plan due early next year, the CJWG met Nov. 17th to continue refining its definition of disadvantaged communities (DACs). The discussion continued to refine how to categorize communities based on various criteria. In addition, the working group continued its discussion of the nature of funds deployed under the CLCPA, including the difference between investments and benefits. CJWG members continue to raise the concern that various state agencies may count current programs as qualified, which could undercut actual investments in DACs.

The focus on funding led to a lengthy discussion, not only about the nature of benefits, but also a call for clarification of state agency decisions that have climate impacts. Working group member Elizabeth Yeampierre (UPROSE) pointed to a recent Department of Environmental Conservation (DEC) permitting decision to allow an expanded construction and demolition dump in Sunset Park, Brooklyn, as a clear violation of the CLCPA. In the exchange with community member opponents over the expanded project, which will increase the daily number of large trucks on neighborhood streets, DEC legal advisors argued that CLCPA rules only applied to carbon emissions, not emissions of other criteria pollutants. These are known to increase the likelihood of asthma and other health impacts which have proven to be particularly harmful to residents of urban neighborhoods.

A DEC representative at the working group meeting committed to looking into the matter. This nevertheless led to a broader discussion calling on clarification to require consistency among all state agencies with CLCPA goals. It was not clear, for example, if the CLCPA applied to rulings by the Public Service Commission, the state's utility regulating agency.

Continuing with efforts to arrive at a proposed DAC definition to present to the Climate Action Council by the end of the year, consultants presented mapped scenarios to help working group members decide what percentage of DACs to include in the final recommendation. Looking for models and consistency, the consultants noted that federal energy assistance (LIHEAP) is available for families living at 200% above the federal policy line. This standard is close to 60% of state media income, or about \$50,000 a year for a family of four. According to Chris Coll of NYSERDA, one of several

state agency representatives staffing the working group, there are approximately 2.3 million such households in the state, many residing in multi-family units. The working group is still trying to determine if investments and benefits should be directed at every family living in a DAC or targeted in certain areas to maximize climate impact.

Both consultant Alex Dunn (Illume) and working group member Sonal Jessel (WeAct for Environmental Justice) noted that the CJWG will be meeting annually to evaluate CLCPA implementation. This will provide an ongoing opportunity for evaluation of the program.

The next meeting of the CJWG will be set for early December, with a virtual vote on the DAC recommendation by the week of December 13th.