MINUTES OF THE CLIMATE ACTION COUNCIL MEETING
HELD ON AUGUST 24, 2020

Pursuant to Notice and Agenda, a copy of which is annexed hereto, a meeting of the Climate Action Council (“Council”) was convened at 2:00 p.m. on Monday, August 24, 2020. The following Members attended:

Council Co-Chairs
- Doreen Harris, Acting President and CEO, New York State Energy Research and Development Authority
- Basil Seggos, Commissioner, New York State Department of Environmental Conservation

Council Members
- Richard Ball, Commissioner, New York State Department of Agriculture and Markets
- Donna L. DeCarolis, President, National Fuel Gas Distribution Corporation
- Marie Therese Dominguez, Commissioner, New York State Department of Transportation
- Gavin Donohue, President and CEO, Independent Power Producers of New York
- Dennis Elsenbeck, Head of Energy and Sustainability, Phillips Lytle LLP
- Thomas Falcone, CEO, Long Island Power Authority
- Eric Gertler, Acting Commissioner and President and CEO-designate of Empire State Development (Kevin Hansen, Designee)
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of NY
- Jim Malatras, President, SUNY Empire State College
- Gil C. Quiniones, President and Chief Executive Officer, New York Power Authority
- Roberta Reardon, Commissioner, New York State Department of Labor
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- John B. Rhodes, Chair, New York State Public Service Commission
- Rossana Rosado, Secretary of State, New York State Department of State (Kisha Santiago, Designee)
- Raya Salter
- Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University
- RuthAnne Visnauskas, Commissioner and CEO, New York State Homes and Community Renewal (Rebecca Koepnick, Designee)
- Howard A. Zucker, Commissioner, New York State Department of Health (Henry Spliethoff, Designee)
Also present were various State agency staff and members of the public.

Ms. Harris and Mr. Seggos, Co-Chairs of the Council, welcomed all in attendance. A quorum was present throughout the meeting.

Consideration of the Minutes of June 24, 2020 Meeting

The first item on the Agenda was to advance the minutes from the June 24, 2020 meeting. Upon hearing no changes or objections, upon motion duly made and seconded, the minutes were approved. Co-Chair Harris stated that the minutes will be posted to the Council website.

Co-Chair Remarks and Reflections

Co-Chair Harris provided remarks on current events regarding the State’s response to the COVID-19 Pandemic and the power outages that resulted from Tropical Storm Isaias, stating that the State must be prepared to adapt and improve its overall resilience. She also reported on recent clean energy milestones toward the implementation of the CLCPA. These efforts include the release of nation-leading solicitations for up to 2,500 MW of offshore wind and over 1,500 MW of land-based renewable resources that are expected to result in $7 billion in direct investments and about 4,500 short- and long-term jobs; and an announcement by NYSERDA and the State’s utilities of a new Statewide framework for improved and coordinated efforts to advance investments in the low-to-moderate income household sector that will more than double the current number of households that receive energy efficiency services.

Co-Chair Seggos reported on efforts in the clean transportation sector that include a Memorandum of Understanding between New York and 14 states and the District of Columbia to develop a plan for 100 percent of all new medium- and heavy-duty vehicle sales to be zero-emission vehicles by 2050; and the announcement of the “Make-Ready” Program for electric vehicles that will enable 50,000 electric vehicle (EV) charging stations by 2025 and simulate about $1.5 billion in new investment. Co-Chair Seggos also reported on the first meeting of the Climate Justice Working Group (CJWG) that was held on August 14, 2020. The CJWG will establish criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, GHG emissions reductions, regulatory impact statements, and allocation of benefits associated with State investments and will have a critical role in supporting and informing the work of the Council.

Discussion: Advisory Panels and Working Groups
Co-Chair Seggos reviewed the details of the Advisory Panels and Just Transition Working Group, as well as the Climate Justice Working Group, as set forth in the Climate Act. He also presented expectations regarding Advisory Panel work products including the identification of a range of sector-specific emissions reduction policies, programs, or actions that could contribute to meeting the Statewide emission limits and be considered by the Council for inclusion in the Scoping Plan. Those recommendations should also include adaptation and climate resiliency considerations.

Co-Chair Seggos stated that there will be opportunity for the Advisory Panels to work together and to coordinate given the overlapping policy and technical considerations. The Advisory Panels are expected to meet monthly; provide regular progress reports to the Council; coordinate with the Just Transition and Climate Justice Working Groups; engage with the public and other experts for additional input; and to hold a minimum of one public forum. The Advisory Panels are encouraged to avail themselves of the expertise of the firm Energy and Environmental Economics, Inc. (E3), as well as State agency staff and the increasing library of technology and market studies. Facilitation assistance for conducting meetings will also be available.

Co-Chair Seggos presented the Transportation Advisory Panel, to be chaired by Marie Therese Dominguez, Commissioner of the Department of Transportation, and emphasized the significant source of emissions that emanate from this sector. This Advisory Panel will examine zero-emission vehicles, reducing emissions from trucks and buses, clean transit, and clean fuels.

Co-Chair Seggos presented the Agriculture and Forestry Advisory Panel, to be chaired by Richard Ball, Commissioner of Agriculture, Department of Agriculture and Markets. The purview of this Panel is food sources and protecting food sheds, and the protection and use of forest resources.

Co-Chair Seggos presented the Land Use and Local Government Advisory Panel, to be chaired by Sarah Crowell, Director of the Office of Planning Development and Community Infrastructure, New York State Department of State. The purview of this Panel will be to build partnerships at every level of the economy and local government, and it will focus on housing and transit-oriented development, green spaces, capacity building, and resiliency.

In response to an inquiry from Bob Howarth regarding individuals suggested for panels during the process, Co-Chair Seggos stated that the Council may entertain new names throughout the process, particularly to fill any gaps in expertise. In response to an inquiry from Peter Iwanowicz regarding the
lack of a local government official on this Advisory Panel, Co-Chair Seggos opted to hold the suggestion in abeyance until the next meeting. In response, Bob Howarth offered that the individual he had previously suggested possesses the type of background described by Peter Iwanowicz.

In response to an inquiry by Donna DeCarolis regarding the process for nominating individuals, Co-Chair Seggos emphasized the need to balance nimbleness while maintaining substantive expertise, along with aspiring to geographic, gender and ethnic diversity on each Advisory Panel. He suggested that, if after today, the Council believes deficiencies remain, it should address them over the ensuing weeks to further build the needed expertise. Co-Chair Harris noted that, by design, there will be consultation among the Advisory Panels.

Co-Chair Harris presented the Power Generation Panel, to be chaired by John Rhodes, Chair, NYS Public Service Commission, who stated that it is important for the work of the Advisory Panel to complement the work of the NYS Public Service Commission in its implementation of the Clean Energy Standard, a hallmark of achieving the goals of the Climate Act. She described the Advisory Panel as very diverse and reflective of the need to work with communities, clean energy developers, and the Just Transition Working Group.

In response to an inquiry by Anne Reynolds regarding which panel will address issues surrounding the siting of renewable resources in agricultural areas, Co-Chair Harris described it as a cross-cutting issue to be considered by several of the panels, adding that the intersection of land use, community acceptance, and generation siting should be a cross-cutting issue among each of the involved Panels. Also, in response to the inquiry, Chair Rhodes expressed his desire and commitment to work collaboratively with the other Advisory Panels on issues that transcend its sector-specific issues. Co-Chair Seggos suggested an approach of shared expertise as a more efficient alternative to adding additional expertise to each Panel.

Co-Chair Harris presented the Energy Efficiency and Housing Panel, to be chaired by RuthAnne Visnauskas, Commissioner, Homes and Community Renewal. The members of this Panel have expertise in issues of housing and affordability across all sectors (residential, commercial, and government) and will be considering issues beyond electrification and building efficiency to also work with building managers and the residential consumers themselves. This Advisory Panel also has particular expertise in education, as well as specific local and regional initiatives.
Co-Chair Harris presented the Energy-Intensive and Trade-Exposed Industries Panel, to be chaired by Eric Gertler, Acting Commissioner and President and CEO-designate, Empire State Development. This Advisory Panel will focus on energy use, process emissions, and non-combustion sources of greenhouse gases within the industrial sector. In addition to industrial perspectives, this Panel will examine economic development, environmental justice issues, and focus on how industry can thrive in a low carbon future, as well as to examine opportunities for energy efficiency, fuels, electrification, and carbon capture – all in support of decarbonization.

In response to an inquiry by Donna DeCarolis referencing the statutory provision for up to five voting members on each Advisory Panel, Co-Chair Harris stated that the exact structure for reaching consensus within each Panel has yet to be addressed. Co-Chair Seggos stated that, ideally, the Advisory Panels themselves will reach consensus and allow for the expression of minority and dissenting views.

In response to an inquiry by Dennis Elsenbeck regarding information presented at the last meeting about the potential for a 65 to 80 percent increase of electric demand and whether this is the Panel that would most appropriately examine how best to mitigate that increase, Co-Chair Harris stated that this Advisory Panel would examine the impact, responsiveness, and adaptation to widespread electrification. Mr. Snyder added that actions taken to ensure there is sufficient power to run the economy should inform the Power Generation Advisory Panel, so ultimately the Council can exercise an informed decision on the ramifications of electrification.

Peter Iwanowicz stated, and Co-Chair Harris agreed, that he is pleased to see representatives of the environmental justice community on this Advisory Panel as they will provide an important perspective.

Gavin Donohue requested that a second look be given to the lack of a utility representative on the Power Generation Advisory Panel and the lack of a power generator representative on the Energy-Intensive and Trade-Exposed Industries Advisory Panel. Co-Chair Harris agreed to take second look at these issues to ensure how this representation can best be reflected.

Dennis Elsenbeck suggested that the discussion is not one just of power generation versus consumer end-use, but that it is one of balancing supply and demand and that warrants an integrated resource solution. Co-Chair Harris agreed and noted that similar to the issues of land use that cut across multiple Advisory Panels, there are also cross-cutting issues of supply and demand that arise on both sides of the electric meter and, therefore, cut across the focus of multiple Advisory Panels.
Co-Chair Harris presented the Just Transition Working Group, to be co-chaired by herself and Roberta Reardon, Commissioner, NYS Department of Labor. She noted that its goals and objectives are different from those of the Advisory Panels and it will focus on achieving a just transition for the workers and businesses of New York and communities as a whole. The Working Group will expand ongoing work in the areas of environmental justice, with labor organizations, and with energy intensive and trade-exposed industries. The deliverables of the Working Group will be significant in resource and impact in helping to inform the Scoping Plan. Commissioner Reardon also looks forward to working with the members to achieve the goals of the Working Group.

Upon hearing no further comments or objections, Co-Harris called for consideration of a Resolution to approve the members of the Advisory Panels and Just Transition Working Group of the Council as presented at the meeting. Whereafter, upon motion duly made and seconded, and by unanimous voice vote, the Council approved the resolution and it was adopted.

Resolution No. 2

RESOLVED, that Climate Action Council (CAC) Advisory Panel and Just Transition Working Group Members, as presented to the Members for consideration at this August 24, 2020 meeting, are adopted and approved.

Transportation Advisory Panel
Marie Therese Dominguez, Commissioner, Department of Transportation, Chair
Jared Snyder, NYS Department of Environmental Conservation
Paul Allen, M.J. Bradley & Associates
Dimitris Assanis, Stony Brook University
Steve Finch, AAA Western & Central New York
Albert Gore, III, Tesla
Kendra Hems, Trucking Association of New York
Elgie Holstein, Environmental Defense Fund
Renae Reynolds, New York City Environmental Justice Alliance
Porie Saikia-Eapen, Metropolitan Transit Authority
John Samuelsen, Transit Workers Union
Nick Sifuentes, TriState Transportation Campaign
Kerene Tayloe, WE ACT for Environmental Justice
Julie Tighe, League of Conservation Voters
Craig Turner, Buffalo Niagara International Trade Gateway Organization
Nancy Young, Airlines for America
Bob Zerrillo, New York Public Transit Association

Agriculture and Forestry Advisory Panel
Richard Ball, Commissioner, NYS Agriculture and Markets, Chair
Peter Innes, NYS Department of Environmental Conservation
Rafael Aponte, Rocky Acres Community Farm
Amanda Barber, Cortland County Soil and Water Conservation District
John Bartow, Empire State Forest Products Association
Michelle Brown, The Nature Conservancy
Tom Gerow, Wagner Lumber Company
Suzanne Hunt, Hunt Country Vineyards
Peter Lehner, Earthjustice
Samantha Levy, American Farmland Trust
Robert Malmisheimer, SUNY Environmental Science and Forestry
Stephanie Morningstar, Northeast Farmers of Color Land Trust
John Noble, Noblehurst Farms
Julie Suarez, College of Agriculture and Life Sciences, Cornell University
Ned Sullivan, Scenic Hudson
Donna Wadsworth, Ticonderoga Mill at International Paper
Elizabeth Wolters, New York Farm Bureau
Peter Woodbury, Cornell University
Nelson Villarrubia, Trees New York

Land Use and Local Government Advisory Panel
Sarah Crowell, NYS Department of State, Chair
Mark Lowery, NYS Department of Environmental Conservation
Jessica Bacher, Pace University School of Law
Jayme Breschard-Thomann, Bergmann PC
Kevin Law, Long Island Association
Katie Malinowski, NYS Tug Hill Commission
Ed Marx, (former) Commissioner of Planning for Tompkins County
Kathy Moser, Open Space Initiative
Priya Mulgaonkar, NYC Environmental Justice Alliance
Gita Nandan, Resilience Education Training and Innovation (RETI) Center
Juan Camilo Osorio, Pratt Institute School of Architecture
Eric Walker, Climate and Clean Energy Strategist

Power Generation Advisory Panel
John Rhodes, Chair, NYS Public Service Commission, Chair
Corrine DiDomenico, NYS Energy Research and Development Authority
William Acker, New York Battery and Energy Storage Consortium (NY BEST)
Cecilio Aponte, Origination at sPower
Rory Christian, Concentric Consulting, LLC
Elizabeth (Betta) Broad, New Yorkers for Clean Power
Lisa Dix, Sierra Club
Annel Hernandez, NYC Environmental Justice Alliance
Kit Kennedy, National Resources Defense Council
Emilie Nelson, New York Independent System Operator
John Reese, Eastern Generation
Shyam Mehta, NYSEIA
Stephan Roundtree, Jr., Vote Solar
Jennifer Schneider, IBEW
Darren Suarez, Boralex, Inc.
Laurie Wheelock, Public Utility Law Project

Energy Efficiency and Housing Advisory Panel
RuthAnne Visnaukas, Commissioner, Homes and Community Renewal, Chair
Janet Joseph, NYS Energy Research and Development Authority
Peggie Neville, NYS Department of Public Service
Gina Bocra, NYC Department of Buildings
Kyle Bragg, 32BJ SEIU
Dan Egan, Vornado Realty Trust
Bret Garwood, Home Leasing, LLC
Jin Jin Huang, Safari Energy, LLC
Clarke Gocker, PUSH Buffalo
Elizabeth Jacobs, Akwesasne Housing Authority
Jamal Lewis, Green and Healthy Homes Initiative
Sadie McKeown, The Community Preservation Corporation
Bill Nowak, NY Geothermal Energy Organization
Co-Chair Harris presented the next steps for the Advisory Panels, including expectations for organizing initial meetings by the end of September 2020 and to advance respective work plans that will guide Advisory Panel processes, schedules, and deliberations. Regarding the timeline for a Draft Scoping Plan, Co-Chair Harris presented a draft schedule that included a proposed cadence for Council and Advisory Panel meetings; Advisory Panel work efforts, including the development of work plans, recommendations, and outreach that will ultimately be presented to and considered by the Council; and an integrated analysis and the development of an integrated strategy to be undertaken by the Council – all of which will lead to the issuance of a Draft Scoping Plan by December 2021.

**Discussion: Waste Management Emissions**
Following up on a topic raised at a previous Council meeting, Co-Chair Seggos discussed waste management emissions, which were not specifically called out by the Climate Act but represent about 8 percent of Statewide emissions. He explained that the primary source is methane that results from organic waste composition in landfills. Rather than form an additional advisory panel to address this topic, the proposed structure is to develop a core team within NYS Department of Environmental Conservation Divisions of Materials Management and Air Resources to advise the Council. The team would work closely with key stakeholders, coordinate with local governments and community groups, and seek public input to inform the development of recommendations. Some advantages of this approach include the ability to immediately commence work, and access to ready expertise and existing stakeholder relationships.

In response to an inquiry by Anne Reynolds regarding the relationship between this effort and the State’s Solid Waste Management Plan, Co-Chair Seggos pointed out a timing issue in that the Solid Waste Management Plan may be on a longer trajectory than what may be needed to inform the Council’s Scoping Plan. However, Council Members will have an opportunity to weigh in on both efforts.

In response to an inquiry by Paul Shepson regarding the potential to create a disproportionate focus compared to other important sectors, such as natural gas infrastructure, transportation, and other end-use components, Co-Chair Seggos stated that the Council should not feel constrained by the existing Advisory Panel or Working Group structure, which should not be interpreted or act as a barrier from seeking additional expertise for other areas. Mr. Snyder agreed and highlighted some additional areas for potential focus that should be addressed within the current structure.

In response to an inquiry by Raya Salter regarding the lack of stakeholder representation in this area outside of State government, Co-Chair Seggos stated his preference to entertain suggestions on how best to structure without creating a new advisory panel. Anne Reynolds agreed with Ms. Salter’s suggestion that such stakeholder representation be more formalized. Mr. Donohue stated that others, such as industry representatives, also need to have a seat at the table. In response, Co-Chair Seggos stated that there is much flexibility in the structure, and he is confident that it can be done in such a way so as to achieve the same outcome as an Advisory Panel. Responding to a suggestion by Mr. Snyder, Co-Chair Seggos offered to provide more details to the Council as to how the proposed team would operate, with an
opportunity for the Council to discuss alternatives. Council Members should be prepared to provide information at the next meeting as to which stakeholders should be contacted for participation.

In response to a suggestion by Commissioner Ball, Co-Chair Seggos agreed to add a formal presentation on this topic at a forthcoming Council meeting.

**CLCPA Implementation**

Co-Chair Seggos introduced Jared Snyder, Deputy Commissioner, NYS Department of Environmental Conservation, to provide an update on certain Climate Act actions currently underway. In turn, Mr. Snyder introduced Brendan Woodruff, an environmental protection specialist, to provide an update on the GreenNY Report recently released by the GreenNY Council. The GreenNY Council is a multi-agency working group created by Governor Cuomo and co-led by the NYS Department of Environmental Conservation, New York Power Authority, NYS Office of General Services, and NYSEERDA. The GreenNY Council is charged with assisting agencies in implementing lead by example directives and to serve as a resource for reducing agency greenhouse gas emissions in accordance with Climate Act Section 7.1. Mr. Woodruff presented the highlights from the GreenNY Report, which include:

- State facilities decreased energy use by 14.4% since 2010;
- In 2019, energy efficiency measures reduced greenhouse gas emission more than 290,000 tons;
- State facilities generated 10 million kWh of solar power, triple that of 2016;
- The State green purchasing program invested $124 million in green products, an annual increase of $7 million;
- State employees commute using transit at four times the national average;
- Twice as many agencies are composting organic material than in 2012.

Anne Reynolds praised the work of the Council, recognizing the challenge in achieving these goals given that the State’s operations can be larger than many other entities. She also suggested that electric vehicles present an additional opportunity.

Bob Howarth praised the report but expressed caution when reporting reduced greenhouse gas emissions given the accounting requirements provided for in the Climate Act.

Mr. Woodruff responded to an inquiry by Dennis Elsenbeck regarding the tracking of the origination of green products used and a suggestion that the State consider developing policies that would
further encourage green product manufacturing or purchasing from New York companies. Mr. Snyder and Co-Chair Harris emphasized the opportunities for the Council to inform this suggestion.

In response to an inquiry by Raya Salter regarding how best to inform State agencies regarding the full scope of their responsibilities under the Climate Act, Mr. Snyder suggested that there is a general awareness of this need and that there are opportunities for both the Council and the Climate Justice Working Group to make recommendations to address it.

In response to an inquiry by Mr. Iwanowicz regarding State agency compliance with Section 7 of the Climate Act, Mr. Snyder explained that the various compliance elements are obligations of each agency individually. However, all agencies are conscious of the obligation and Mr. Snyder suggested that this discussion be considered for potential discussion at a future Council meeting.

Mr. Snyder also provided a briefing on the required Part 496 Statewide greenhouse gas emission limits rulemaking, which requires the State, for the first time, to consider upstream emissions from fossil fuels and to consider a 20-year global warming potential. The emission limits have been developed, the proposal is open for public comment, and public comment hearings have been scheduled. Mr. Snyder pointed out that the newly required Climate Act methodology has the effect of significantly increasing the estimate of 1990 gross (not net) emissions, which increases the baseline upon which the new estimates are based. Mr. Snyder noted that net emissions relate to the carbon neutrality goal that will be part of the annual inventories. He also discussed that methane quantification work has commenced.

In response to an inquiry by Bob Howarth regarding the role of the Council in the methane guideline development given primary responsibilities resting with NYSERDA and NYS Department of Environmental of Conservation, Mr. Snyder stated that input from Council members and all stakeholders is welcomed and some has been received, but clarified the rulemaking requirements. Mr. Howarth also suggested further collaboration on the issue of top down versus bottom up methodological approaches.

Mr. Snyder provided additional clarification regarding the differences between the use of gross and net emissions estimates in response to an inquiry by Anne Reynolds.

In response to an inquiry by Paul Shepson regarding the fact that methane is a rapidly developing area of research and how best to respond to new information as it develops, Mr. Snyder explained that the current rulemaking reflects the understanding of the best scientific information known at this time and that the emission limits can be revisited through additional rulemakings, as necessary.
Next Steps

Co-Chair Seggos stated that Council Members will be canvassed for future meeting dates. He thanked the Council Members for their participation today, particularly as the Advisory Panels and Just Transition Working Group were put into place. Co-Chair Harris also congratulated the Council for its work today and thanked them for welcoming her as a new Co-Chair.

Co-Chair Seggos responded to a series of inquiries by Peter Iwanowicz regarding effectuating a process for entertaining additional Advisory Panel candidates, considering the Advisory Panel rosters, and the ability of Council Members to attend, or audit, the Advisory Panel meetings. Co-Chair Seggos stated that further information would be coming regarding entertaining new names and the ability for Council Members to attend Panel meetings. He highly encourages the Advisory Panels to be as publicly transparent as possible without hindering progress and to make all work products public in a timely manner.

Mr. Iwanowicz also suggested forming a Communications Panel and an Indigenous Communities Panel. Co-Chair Seggos stated the importance of hearing those voices and that Elizabeth Jacobs, Acting Executive Director, Akwesasne Housing Authority, has agreed to serve on the Energy Efficiency and Housing Advisory Panel. Also, NYS Department of Environmental Conservation Environmental Justice representatives have consulted with some of the native tribes, such as the Haudenosaunee, Shinnecock and others who have stated their willingness to participate through a more formal process.

Co-chairs Seggos and Harris agreed with a suggestion by Gavin Donohue to invite the NYS Independent System Operator to make a presentation to the Council regarding the State’s electric system, with an emphasis on current events in New York and around the country.

It was also agreed that the Council should aspire to establish a more definitive meeting schedule.

In response to an inquiry by Raya Salter regarding the Council’s ability to provide input on filling the Council Executive Director position, Co-Chair Harris reminded Council Members to take note of the posting and agreed to provide additional information regarding Council involvement in the selection
process in the future. Mr. Iwanowicz also offered to provide additional job posting site information to encourage a diverse field of candidates.

With that, the meeting was adjourned.

Respectfully submitted,

Valerie A. Milenovich
Secretary
Climate Action Council
Meeting Agenda
August 24, 2020

- Welcome and Introductions
- Consideration of June 24, 2020 Minutes
- Co-Chair Remarks and Reflections
- Discussion: Advisory Panels and Working Groups
- Discussion: Waste Management Emissions
- CLCPA Implementation
- Next Steps

In keeping with measures designed to limit the spread of COVID-19, the meeting will be conducted by Teleconference and members of the public will be welcomed to observe and listen to the meeting via webcast only. The webcast may be accessed by going to the Climate Action Council website: climateact.ny.gov