



New York State Agribusiness Association
Public Comments Concerning the Climate Action Council Draft Scoping Plan
To Implement the Climate Leadership and Community Protection Act

The New York State Agribusiness Association (NYSABA) has reviewed the Climate Action Council (Council) Draft Scoping Plan (Plan) mandated by the Climate Leadership and Community Protection Act (CLCPA) and welcomes this opportunity to comment on aspects of the Plan that impact our member companies and organizations as well as agricultural production overall. NYSABA is a non-profit association representing the agricultural protectant, seed, and fertilizer industries. Members include dealers, distributors, basic manufacturers, fertilizer and lime suppliers, seed companies, feed suppliers, consultants, equipment manufacturers and equipment dealers, and university researchers and educators.

INTRODUCTION

The Plan was released at the end of December 2021. The document determines that achieving intense decarbonization of the New York economy is feasible by mid-century. Emissions limits of the magnitude mandated by the CLCPA requires actions to be taken in all sectors of New York’s economy. These efforts will require massive public and private sector investments, the sources of which are not made clear in the Plan.

NYSABA seeks to assist the state in reaching the goals set out in the CLCPA and to constructively engage with CAC members, state legislators and policy makers on strategies that show promise and on what barriers there may be to achieving these goals.

The Plan lays out goals and strategies for the agriculture sector to reduce net greenhouse gas (GHG) emissions and increase carbon sequestration/storage to produce environmental benefits. This is proposed by adopting soil health management practices (e.g., cover/double crops, reduced tillage, perennial crop systems). However, these goals will be difficult to achieve by certain strategies recommended by the Scoping Plan described as “regenerative agricultural practices,” as will be explained later.

Another area of concern is the existing state mandates and goals of the Plan that promote replacing fossil fuel (gasoline, diesel) powered medium and heavy-duty trucks and equipment with those with zero emissions pursuant to an aggressive schedule the success of which is not yet possible without a mature vehicles more mature supply markets, commercialization of larger, powerful truck and equipment manufacturing and the build out of electric charging-supporting infrastructure for such vehicles and equipment. So far, the battery technologies that will be relied upon for zero emission vehicles (ZEVs) and backup storage for the power grid are not yet evolved to be commercially available, or efficient enough to meet the Scoping Plan’s vision as a critical component of the carbon-free statewide 100% electric energy system.

The Plan is far reaching, and its consequential impacts not fully explored or explained in the available accompanying documents. Nor is the potential cost to businesses, farmers, utility ratepayers, the various

industries and individuals and families adequately addressed. Much of the scientific and technical background needed to fully assess the practicality and impacts of the state's recommended actions regarding agricultural production, sector employment, land use shifts, electricity reliability, available alternative sources of power and climate impacts are beyond the expertise of NYSABA. Like other organizations, we rely on our members' knowledge and experiences in their respective fields, information generated during the CAC public hearing process, and the many industry reports and media analysis surrounding the state's implementation approaches.

For all these reasons, the goals and aggressive legislated milestones as dictated by the CLCPA and other subsequent legislative and regulatory actions should be more carefully assessed and additional time allowed where necessary for a thorough investigation into the ability for markets to adjust and mature, accurate cost calculations to be made, and sources of revenues identified that will be needed to make the successful transition from a fossil fuel dominant energy economy to one that will be able to accommodate economic growth as 100% renewable.

NYSABA supports agricultural practices that are part of the Climate Change Solution in New York. Alarming, the State Legislature seeks to ban pesticide treated seed and glyphosate products, thus limiting, or effectively neutralizing these necessary practices for fighting Climate Change.

Climate Action Council Draft Scoping Plan GHG Mitigation Strategy

“Reduce net GHG emissions and increase carbon sequestration/storage and other environmental benefits through adoption of soil health management practices (e.g., cover/double crops, reduced tillage, perennial crop systems. Also referred to as Regenerative Agricultural Practices).”

Comprehensive Nutrient Management and Environmental Stewardship

NYSABA's goals are healthy soil, productive land, high yielding crops and ensuring New York farms remain sustainable. Covered soil increases habitat for soil biology cycles and nutrient development, builds structures that will accept and hold greater quantities of water, mitigates soil temperatures (certain insects, weeds and diseases thrive in certain soil temperatures), and protects against erosion. Yet, the New York State Legislature has come dangerously close to passing bills in both houses that would ban certain herbicides and seed treatments that are necessary for carbon sequestration practices and to secure healthy soils and high crop yields to meet the demands of our food supply.

There is a tremendous concern on the part of growers should they lose access to crop protection tools such as neonicotinoid treated seed and glyphosate used for “burndown” of cover crops. The losses would be economically devastating. In New York, many conventional tillage producers have moved away from this simplified system to a more complex regenerative system (further encouraged by the Plan). Most of these farmers have sold off the old tillage equipment and now use no-till practices. Losing treated seed would necessitate re-equipping farms for tilling, something that would be beyond the financial capacity of most no-till farms at this point and detrimental to climate goals.

Conservation measures such as reduced tillage, the use of animal manure and planting cover crops to reduce erosion and runoff are not only encouraged but also incentivized in NY State and some recommended by the Plan. Adoption of cover crops to build soil health and nutrient retention was not successful until corn seed began to be treated with insecticide to prevent stand losses where aphid and subterranean pest pressures, such as from Seed Corn Magot (SCM), was present or increased. A principle of every regenerative farmer is to maximize the amount of time in a year that you can have a living root

interacting with the rhizosphere, building soil aggregates, and mobilizing nutrients for the current, and subsequent crops.

Without treated seed and applications of crop protectants where appropriate, farmers will revert to planting fewer cover crops to avoid losses to SCM and other pests. Without neonic treated seed, farmers suffer significant yield and economic losses. Farmers' ability to adopt cover crops and no-till practices, so important to soil health and carbon capture, are successful because treated seed is an effective protection against SCM related stand losses to corn crop planted following the cover crop.

Legislative bans on safe and effective protectants and herbicides are a barrier to farmers continued and further adoption of soil health, carbon capture and effective Integrated Pest Management (IPM) practices. The final Plan must recognize this reality and preserve these tools to help meet the carbon reduction goals of the CLCPA.

Mandated EV Sales in New York Need to be Carefully Planned Over Timelines that are Reasonable.

NYSABA expressed alarm over the proposal by the NYS Department of Environmental Conservation (DEC) to adopt the California Advanced Clean Trucks Rule during the regulatory public comment period last year. Despite these concerns and vehicle and engine manufacturers warnings that the industry is not ready to meet the mandates under the proposed rule, the department announce final adoption of the rule on December 30, 2021.

NYSABA members are the agricultural protectant, seed and fertilizer industries and crop advisors. Our understanding is that most large vehicles used for bringing agricultural products to market and hauling raw commodities are covered by the Rule.

When NYSABA reviewed the proposal, we concluded that the adoption of the Rule would have a significant impact on our businesses and farming operations in the state. We worried that accelerated sales mandates of this magnitude would alter the market for farm and farm-support equipment possibly upending our industries' current voluntary efforts to transition to low carbon vehicles. These concerns have not been alleviated by the Plan.

The Plan seeks to reduce transportation emission by reducing the miles traveled by vehicles, adoption of zero-emission vehicles, electrification of non-road sectors, and targeted low-carbon fuel use. New York will ban the sale of all gas-powered vehicles in the state by 2035 pursuant to a law signed by Governor Kathy Hochul in September of 2021. But these state efforts to mandate zero emissions cars and trucks appear to contradict the national efforts to promote stricter standards regulating emissions from heavy-duty trucks, updating the standard for the first time since 2001.

In March of this year, the Biden administration began rolling out more stringent emissions standards for heavy-duty vehicles like large trucks and buses and announced more than \$1.3 billion in funding to deploy more clean transportation and school buses. The Clean Trucks Plan that the Biden Administration is pursuing promises to implement next tier emission-standards for conventionally fueled trucks, while also accelerating the deployment of ZEV trucks. A nationwide strategy and significant federal infrastructure funding approach is far superior to New York's proposed ZEV truck sales mandate. New York needs to be part of the larger effort to address climate change.

While not a mandate to purchase, New York's Rule is essentially a ZEV-truck sales mandate with no accompanying strategy to ensure that ZEV trucks will be available and affordable for a variety of agricultural needs. Many farm vehicles are designed to perform specialized tasks. In addition, few ZEV trucks have thus far demonstrated levels of prolonged horsepower and torque required for farm

operations. Without improved technologies, significant subsidies, and other financial incentives, and the build-out of charging infrastructure with reasonable electric rates, the agricultural sector will not be positioned to purchase with confidence many medium and heavy-duty ZEV trucks anytime soon. Until then, most consumers of trucks will continue to purchase conventional fuel vehicles each year up to and beyond when the proposed sales mandates are effective.

The enacted New York law directs the conversion of New York's trucking fleet to ZEVs by 2045. Fittingly, the law also directs the DEC, in consultation with other state agencies, to prepare the necessary market-development, incentive and infrastructure-funding strategies over the next few years to achieve the bill's ZEV-truck targets. New York should make this comprehensive preparatory approach its central focus in the final Plan.

Conclusion—Reassess Goals and Timeline

NYSABA supports agricultural practices that are part of the Climate Change Solution in New York.

New York State Legislative bans on safe and effective protectants and herbicides are a barrier to farmers continued and further adoption of soil health, carbon capture and effective Integrated Pest Management (IPM) practices. The Legislature has come dangerously close to passing bills in both houses that would ban certain herbicides and seed treatments that are necessary for carbon sequestration practices and to secure healthy soils and high crop yields to meet the demands of our food supply.

The final Plan must recognize this reality and preserve these tools to help meet the carbon reduction goals of the CLCPA.

NYSABA Supports a Transition to Cleaner Transportation Linked to the Successful Buildout of the Necessary Charging Infrastructure Nationwide.

NYSABA is urging that the state ZEV truck mandates be paused to provide more time for a national approach to plan for the increased acquisition and charging costs of more expensive zero emission (ZEV) on-road trucks and agricultural-related equipment. Instead, DEC and all stakeholders should work with the federal government on an approach to transitioning to the national goal of zero emissions.

The Plan unreasonably assumes that zero-emissions trucks will be viable alternatives to current equipment. Moreover, there is no recognition trucking is a nation-wide industry.

ZEV truck purchases need to be demonstrably good for the environment, functional for the tasks needed, and affordable for farmers and their supporting custom operators. The market and infrastructure for ZEV trucks in New York is not yet developed to a point to justify the aggressive transition timeline at this time.