CJWG Feedback Documented in Draft Scoping Plan for further Discussion

- Transportation
    - Clean Fuel Standard (p. 96): Development of these policies would need to be mindful of the CJWG's admonition to avoid fuel policies that extend reliance on fossil fuel infrastructure or allow emissions from fuel combustion to continue to disproportionately impact Disadvantaged Communities.
    - Light-Duty ZEV Adoption (p. 103): The CJWG enthusiastically encourages a rapid transition to ZEVs, although it cautioned that focusing on providing access to transit and lower-cost options for transportation, rather than just personal vehicles, is critical for LMI New Yorkers. The CJWG also expressed concern about investment in EVs leaving the State. Of course, most of the billions of dollars that New Yorkers spend on petroleum-based fuels each year leaves New York; accordingly, the State should continue supporting the development of businesses in the ZEV supply chain to ensure that the ZEV transition is economic benefits the State's residents economically.
    - Adoption of Zero-Emission Trucks, Buses, and Non-road Equipment (p. 105): The CJWG enthusiastically encourages a rapid transition to ZEVs, especially for MHD vehicles. Consistent with CJWG input, this Plan prioritizes MHD ZEV incentives in air pollution-overburdened communities for vehicles such as port equipment, refuse trucks, local delivery vehicles, construction equipment, and both transit and school buses and an accelerated transition of the State's fleet vehicles to ZEVs.
    - Community-Based Service Enhancements (p. 107): Feedback from the CJWG included the need to provide more detail on what specific public transportation enhancement were proposed and how enhancements would be identified and accomplished. As detailed below, these issues are intended to be addressed through context appropriate community-based discussions. The CJWG emphasized the need to think beyond traditional urban public transit and enhance inter-regional rail transportation.
    - Customer Convenience and Service Connectivity (p. 108): The CJWG supported increased investments in enhanced public transportation alternatives and noted that doing so creates jobs in local communities offering employment opportunity for disadvantaged workers. In addition, the CJWG suggested to incentivize hiring of disadvantaged workers in transit manufacturing by enabling companies to get a credit for setting aside a certain proportion of their workforce for hiring them.
    - Mobility-Oriented Development (p. 111): The CJWG has been supportive of the expansion of low-cost transportation options accessible to underserved communities, a key element of MOD.
    - Smart Growth Public Education and Awareness (p. 113): The CJWG has been supportive of smart growth and the many benefits that flow from this strategy. The CJWG, along with the Council, recognizes that these types of projects require community buy-in, which only comes through greater public education and awareness.
    - Expanding the Availability of Low-Carbon Transportation Alternatives (p.114): The CJWG has been supportive of the expansion of low-cost transportation options accessible to underserved communities, a key element of this strategy.
    - TCI (pp. 116, 257): Other stakeholders, including members of the CJWG, oppose participation in the TCI program. Some of those stakeholders recommend instead

proposed legislation that would adopt an economy-wide carbon price. The CJWG has expressed opposition to New York's potential participation in the TCI program cap-and-invest program based on its position that such programs do not guarantee reductions at individual facilities, raising the potential for pollution hotspots. That criticism is equally applicable to carbon pricing, which would not impose emission limits on individual facilities or on statewide emissions overall.

- Unlock Private Financing (p. 117): The CJWG is supportive of measures to accelerate truck and bus electrification and provide financing opportunities to those who generally lack access to affordable capital, which is the focus of this strategy.
- Lower Carbon Renewable Fuels (p. 118): The CJWG opposed policies supporting renewable fuels on the grounds that they still release harmful air pollutants, particularly in areas overburdened with diesel emissions, and that the State should focus instead on expeditiously electrifying vehicles and the use of hydrogen fuel cells. Because this Plan expedites electrification as much as reasonably feasible, any GHG emission reductions from the use of renewable fuels are in addition to the emission reductions from accelerated electrification. Although the CJWG is correct that renewable fuels still emit air pollutants, some renewable fuels have lower emissions of PM.

- Buildings
  - Codes and Standards (p. 125): The CJWG expressed support for regulatory sunset dates for combustion equipment in buildings provided that these regulatory actions are coupled with additional goals and public investments to benefit Disadvantaged Communities. This draft Scoping Plan endorses this condition for regulatory action and proposes complementary strategies to minimize the risk of negative impacts on lower-income and vulnerable households while prioritizing investments that benefit affordable housing and Disadvantaged Communities.
  - Require Energy Benchmarking and Disclosure (pp. 129-130): As was emphasized by the CJWG, energy affordability is a challenge for many LMI households and required energy disclosure provides important information when buying or renting a home, including ongoing energy costs, which informs decision-making and budgeting.
  - Scale Up Public Financial Incentives (p. 134): The CJWG emphasized that regulatory action to phase out fossil fuel equipment in buildings is inadequate without added policy goals and public investments to benefit low-income households and Disadvantaged Communities. The strategies proposed here are consistent with the CJWG's call to front-load and prioritize public investments in efficient appliances and zero emissions heating, cooling, and cooking equipment in Disadvantaged Communities so that poor and working-class households are not left behind, while safeguarding that building electrification does not increase the housing or energy cost burden on low-income residents. Informed by input from the CJWG, the proposed strategy components include attention to New York's existing energy affordability goal, the needs of public housing, and the health benefits associated with building decarbonization. The CJWG further called for additional actions around consumer protection, including "claw back provisions" as part of public subsidies to private landlords to defend against rate increases, gentrification, and displacement. This specific recommendation is not

reflected in the proposed strategy because such provisions merit careful consideration in program design.

- Expand Access to Public and Private Low-Cost Financing (p. 137): Reflecting on input from the CJWG, the proposed strategy places priority on consumer financing made available by community development financial institutions and credit unions.
- Align Energy Price Signals with Policy Goals (p. 139): The CJWG called for a more expansive set of actions related to consumer protection than are proposed below, including a "Utility customer bill of rights" that would include a safety net style guarantee of renewable energy to every household.
- Expand New York's Commitment to Market Development, Innovation, and Leading-by-Example in State Projects (p. 139): The CJWG expressed broad support for market development and innovation investments as proposed here. The group called for attention to growing local supply chains and creating jobs in clean energy businesses that serve Disadvantaged Communities, as well as providing dedicated support to MWBE enterprises to innovate and actively participate in the transformation of the buildings sector.

- Electricity
  - Retirement of Fossil Fuel Fired Facilities (pp. 155-156): The CJWG is supportive of strategies to facilitate retirement of fossil fuel fired generation facilities and recommends the Council take the additional step of placing a moratorium on the permitting of new fossil fuel plants until the final Scoping Plan is in place, or until there is a demonstrated system reliability need that can only be addressed with fossil fuel generation.
  - Accelerate Growth of LSR Energy generation (p. 159): The CJWG is generally supportive of accelerating the deployment of large-scale renewable energy systems, however they also stress the need to balance this approach to large-scale renewables with significant investment and technical support for Disadvantaged Communities to develop behind-the-meter microgrids to reduce grid strain, increase resiliency and affordability, and diversify the State's energy portfolio. The strategies included in this draft Scoping Plan are aimed at doing just that and the need for support for underserved, LMI, and environmental justice communities has been emphasized in the strategies related to DG and CCA.
  - Facilitate Distributed Generation / Distributed Energy Resources (p. 160): The CJWG is supportive of this strategy. It suggests that there needs to be a process in place to assure that LMI community solar savings do not conflict, interfere, or in any way prevent access to the other LMI energy savings programs such as the Home Energy Assistance Program. It also flagged the point that when designing incentives, use of grants over tax credits is preferred as tax credits may not be beneficial for LMI consumers. These concepts have been included in the Components of the Strategy section below.
  - Support Clean Energy Siting and Community Acceptance (p. 162): The CJWG supports finding compromise around local control while achieving State targets and emphasizes the need for community education and engagement to inform New

Yorkers about the climate crisis and the benefits of shifting to a clean energy economy.

- Promote CCA (p. 165): The CJWG is generally supportive of encouraging local climate action, and more specifically sees CCAs as tools for transformative change in the way consumers connect to and purchase their energy. The group adds that for CCAs to be successful, there needs to be removal of barriers to entry, particularly for lower income households, and safeguards for energy burdened households that may have been the target of previous predatory practices related to their energy bills and services.
- Deploy Existing Storage Technologies (p. 166): The CJWG was generally supportive of this strategy and suggested prioritization of energy storage to protect Disadvantaged Communities where the resilience need is greatest, which is contained in the components below.
- Invest in Transmission and Distribution Infrastructure Upgrades (p. 168): The CJWG is supportive of this strategy, seeing it as key to building out renewables. It suggests the inclusion of additional actions, including to pro-actively identify key transmission and distribution upgrades, improvements, and new line construction needed to deliver renewable energy across the State and maximize the retirement of fossil fired resources. Furthermore, it suggests interconnection be approached through a justice-oriented lens where community-led and community-supported clean energy projects are facilitated and exempt from the sometimes costly interconnection fees that have proved some such projects uneconomic.
- Improve Reliability Planning and Markets (p. 170): The CJWG generally supports the call for continued efforts to improve reliability and resiliency to extreme weather events and climate change, but suggests that the NYISO and its processes should be more transparent and information better disseminated with local energy advocates. It also suggests that there is a need to address extreme heat vulnerabilities beyond overcapacity to the grid, such as the increased water demand for cooling of power plant systems and the expansion of metal in power lines as a result of extreme heat resulting in sagging power lines leading to an increased risk of tree strike related fires. Furthermore, the group posits that storm hardening infrastructure investments must be first implemented in historically burdened Black and brown communities, since these communities have less access to cooling for summer storms, heating for winter storms, transportation, or savings.
- Explore Technology Solutions (p. 177): The CJWG supports the near-term focus on achievement of 70x30 via deployment of currently available solutions. However, it expresses strong concern about the promotion of some emerging technologies, including green hydrogen, RNG, biofuels, biomass, and waste-to-energy, which it claims can add more GHGs to the environment rather than less, and also leads to more localized pollution which is concentrated in environmental justice communities. The CJWG highlights the need for further research and consideration of lifecycle GHG accounting and potential air quality and health impacts of these

technologies prior to supporting demonstration projects. The CJWG also recommends a lifecycle analysis of the environmental, health, safety, emissions, and environmental justice impacts of nuclear fuel be conducted and the State proactively plan for the scheduled shutdown of the four reactors upstate.

- Industry
    - Financial and Technical Assistance (p. 185): Directing State assistance toward reducing industrial emissions in Disadvantaged Communities would be supported by the CJWG. Industrial facilities often disproportionately affect Disadvantaged Communities, and investments can be prioritized to target industries with the greatest impact on these communities. Additionally, the CJWG noted that emissions reductions strategies for Industry do not mention regulation to drive down industrial emissions as close to zero as is technically possible. Additional regulation on industrial sources must be carefully considered within the Climate Act requirements to limit emissions leakage.
    - Low Carbon Procurement (p. 187): The CJWG supports this strategy, as well as other demand-side approaches, since State procurement preferences for low-carbon building materials can encourage less energy-intensive manufacturing in some sectors. The CJWG also recommended using a "best value" procurement framework to score bids that commit to climate mitigation efforts and related workforce, training, local hire, and apprenticeship programs targeted to residents in Disadvantaged Communities.
    - Workforce Development (p. 188): The CJWG recommends these strategies ensure consideration of individuals in Disadvantaged Communities in business and workforce development efforts.
    - Research, Development, and Demonstration (p. 189): The CJWG has raised concerns around technology solutions such as carbon capture and storage and hydrogen. The CJWG supports reducing fossil fuel combustion for industrial heat, replacing it with electric heat whenever feasible. The CJWG inquired specifically as to the future use of green hydrogen and made the point that combusting hydrogen has the potential to produce potentially harmful levels of nitrous oxide emissions. The CJWG recognized, however, that some industrial high-heat processes may not be electrifiable, and that in these cases green hydrogen is a potential alternative fuel. Identifying, quantifying, and mitigating these types of harmful effects associated with new technologies and approaches to eliminate hard-to-abate industrial emissions will be a necessary, critical concern of future research efforts.
    - Economic Incentives (p. 192): Directing State assistance toward developing green economy businesses in Disadvantaged Communities would be supported by the CJWG.
- Agriculture and Forestry
    - Sustainable Forest Management (p. 199): The CJWG supports the strategies for Sustainable Forest Management, however suggested there is an over-reliance on voluntary incentive-based programs.
    - Advance Alternative Manure Management (p. 210): The CJWG favor imposing regulations on dairy and other livestock farmers to reduce emissions. The strategies

outlined below rely more heavily on long established technical assistance and cost-share programs to achieve methane reductions from manure management. Feedback from the CJWG indicates a preference for manure management strategies upstream of the manure storage or that reduce animal waste generation at its source.

- Advance Agriculture Nutrient Management (p. 215): CJWG is supportive of efforts to reduce nitrous oxide emissions through more efficient use of nitrogen fertilizers and have suggested consideration of a fee on such fertilizers as a potential mechanism to reduce their use.
- Adopt Soil Health Practice Systems (p. 217): The CJWG supports soil health and climate resiliency and emphasizes removing barriers for underserved farmers which align with components of this strategy.
- Increase Adoption of Agroforestry (p. 219): The CJWG supports aiding BIPOC farmers in opportunities for securing farmland aligning with strategies for long-term farm leases and land transfers necessary for perennial systems.
- Bolster Local Agricultural Economies (p. 223): This strategy speaks directly to the support of diverse farm operations including BIPOC, women, LGBTQIA+, low income, veteran, and beginning farmers, the CJWG should be supportive of the goals of this strategy.
- Develop a Sustainable Biomass Feedstock Action Plan and Expand the Use of Bioenergy Products (p. 227): The CJWG expressed concerns about the combustion of biomass and biofuels due to their release of emissions. Strategies related to the use of biomass and biofuels are included in this strategy because of the value they provide for displacing carbon emitted from traditional fossil fuels and the potential use for some hard-to-replace carbon emission sources. Biomass and biofuel emission concerns raised by the CJWG are addressed through sustainability guidelines and standards presented in the components below.

- Waste
  - Organic Waste Reduction and Recycling (p. 241): The CJWG agrees that ending the disposal of food scraps and yard waste at landfills and incinerators is probably the single most important action the State can take to cut emissions from this sector. The CJWG recommends stronger programs to require major food generators, farms, supermarkets, restaurants and institutions like universities, hospitals to all develop sophisticated programs that transfer excess edible foods to local food banks and other programs designed to feed the hungry.
  - Waste Reduction, Reuse, and Recycling (p. 242): The CJWG is supportive of policies that reduce waste and encourage recycling. CJWG recommends convenient recycling collection programs throughout the State and that these programs receive adequate funding.
  - Extended Producer Responsibility/Product Stewardship (p. 244): The CJWG is strongly supportive of policies focused on waste reduction and have expressed support for EPR, indicating that passage of an EPR bill should be a priority for addressing emissions from the waste sector.

    - Water Resource Recovery Facility Conversion (p. 245): The CJWG favors on-site use of biogas captured from waste management and that no significant new transmission infrastructure should be allowed to support additional biogas.
    - Fugitive Emissions Monitoring, Detection, and Reduction (p. 246): The CJWG strongly supports controlling fugitive emissions from landfills, sewage plants and other methane sources as a critical step in reducing emissions from the waste sector.
    - Recycling Markets (p. 249): The CJWG are supportive of recycling programs that cut the need for virgin materials and reduce emissions from the manufacturing of consumer goods.
    - Biogas Use (p. 250): The CJWG expressed that biogas could play a role in environmentally sound waste disposal, but caution should be taken to avoid biogas use intentionally or inadvertently leading to the extended use of fossil fuels.
- Gas System Transition
    - Transition Away from Gas (p. 267): The CJWG supports the transition away from gas infrastructure and stresses the need for cost-effectiveness and equity to ensure the transition is just. The CJWG recommends that progress be prioritized in Disadvantaged Communities, where co-pollutants pose a high cumulative burden, and that any progress support the denial of fossil gas infrastructure permits. The strategy of prioritizing Disadvantaged Communities may drive the cost of the transition higher due to the scattered nature of these communities on a distribution system and the need to maintain system integrity, reliability, and the sequence of deconstructing supply assets. Regardless, any transition must be carefully planned, detailed, and clearly communicated to ensure that expectations are aligned across stakeholders, the electric distribution has sufficient capacity for the increased electric load due to electrification of heating and transportation, and that meaningful contractions of the gas system (and associated operations and maintenance cost savings) can be realized. Without this level of planning, the transition will likely be more challenging, take longer to implement, and be more costly than it would have otherwise been.
    - Reduce Fugitive Emissions from Gas Infrastructure (p. 271): To cap abandoned wells, the CJWG suggests that public funds be used as a last resort and that the State consider ways the oil and gas industry could contribute to reducing emissions from these sources.
- Land Use
    - Mitigate Carbon Emissions by Protection of Forest Lands (p. 276): Comments from the CJWG were supportive overall of the strategies listed below for mitigating carbon emissions by the protection of forest lands.
    - Afforestation and Reforestation (p. 278): The CJWG feedback was supportive overall of the strategies listed below for the Afforestation and Reforestation strategy.