

1 Disadvantaged Communities Criteria - 5-26-22

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Notice of public hearing to accept comments on the  
5 Draft Disadvantaged Communities Criteria

6 PUBLIC COMMENT HEARING

7 DATE: May 26, 2022 at 6:03 p.m.

8 LOCATION: Beulah Baptist Church

9 92 Catherine Street

10 Poughkeepsie, New York 12601

11 BEFORE: A.L.J. MOLLY T. MCBRIDE

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Reported by Anthony McClain

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1 Disadvantaged Communities Criteria - 5-26-22

2 APPEARANCES:

3 ADRIANA ESPANZA, D.A.C. Representative

JEN METZGER

4 ELIZABETH O'RAFFERTY

LORI SANDOW

5 VEEKAS ASHOKA

6 SPEAKERS:

ALANAH KEDDELL-TUCKEY

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2 (The hearing commenced at 6:03 p.m.)

3 A.L.J. MCBRIDE: Good evening

4 everyone. Thank you for joining us this evening. My  
5 name is Molly McBride and I'm an administrative law  
6 judge with the New York State Department of  
7 Environmental Conservation. On behalf of the D.E.C.  
8 I'd like to thank you for coming out here this  
9 evening and participating in this very important  
10 process.

11 The D.E.C. in a partnership with the  
12 New York State Energy Research and Development  
13 Authority is holding eleven public hearings across  
14 the state to receive public input on the draft  
15 disadvantaged communities criteria to advance the  
16 finalization of the criteria to help guide the  
17 implementation of the state's Climate Leadership and  
18 Community Protection Act. New York's Climate Justice  
19 Working Group, which consists of representatives from  
20 environmental justice groups from across the state,  
21 and New York State agency representatives, voted in  
22 December to release the draft criteria for the  
23 disadvantaged communities for public review.

24 The draft disadvantaged communities  
25 criteria public comment period commenced in March

1 Disadvantaged Communities Criteria - 5-26-22  
2 with a one hundred and twenty day public comment  
3 period that ends on July 7th, 2022. The criteria can  
4 be found at Climate.ny.gov. Climate.ny.gov. The  
5 criteria are based on geographic, public health,  
6 environmental hazard and socioeconomic factors, and  
7 once approved will be used to help meet the  
8 directives of the climate act related to reducing  
9 pollution and greenhouse gas emissions as well as to  
10 inform regulatory impact statements and the state's  
11 clean energy and energy efficiency investments.

12 The purpose of today's public comment  
13 hearing is to allow members of the public to comment  
14 on the draft disadvantaged communities criteria.  
15 Today is not a question and answer session. Comments  
16 will be accepted at this hearing tonight and at the  
17 upcoming in person and virtual public comment  
18 hearings. In a moment I will read the dates for the  
19 remaining hearings.

20 Written comments, as I indicated, will  
21 be accepted through July 7th, 2022. Comments may be  
22 submitted by e-mail or mail, and in a moment I will  
23 read those addresses and we also have the information  
24 available at our sign-in table at the lobby where you  
25 checked in this afternoon. In a few moments we will

1 Disadvantaged Communities Criteria - 5-26-22  
2 call those who have indicated they'd like to make a  
3 comment on the record. Before we do that I'd like to  
4 introduce Alanah Keddell-Tuckey from the department's  
5 Office of Environmental Justice.

6 MS. KEDDELL-TUCKEY: Good evening  
7 everyone. I'm Alanah Keddell-Tuckey. I am the  
8 director for the Office of Environmental Justice at  
9 the Department of Environmental Conservation. I am  
10 also the chair of the state's Climate Justice Working  
11 Group. I'd like to thank everyone for joining us  
12 this evening and for this hearing on the draft  
13 disadvantaged communities' criteria.

14 The climate act is the nation's most  
15 ambitious climate change related legislation. Its  
16 goal to reduce New York State's greenhouse gas  
17 emissions by -- from all human activities, by a  
18 hundred percent over 1990 levels by the year 2050  
19 with an incremental target of at least forty percent  
20 reduction in greenhouse gases by 2030. At least  
21 eighty-five percent of reductions by 2050 must come  
22 from preventing the release of greenhouse gases. The  
23 remaining fifteen percent may come from carbon  
24 removal projects like conserving soil, growing  
25 forests and restoring wetlands.

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2 Implementing the climate act will  
3 create opportunities to build a better future and to  
4 ensure this work advances climate justice, the  
5 climate act mandates that thirty-five to forty  
6 percent of the benefits of New York State's spending  
7 on clean energy accrue in disadvantaged communities.

8 State agencies are also required to  
9 prioritize greenhouse gas emissions and co-pollutant  
10 reductions in disadvantaged communities, and this  
11 includes D.E.C. in drafting of regulations to meet  
12 greenhouse gas emissions limits required by the  
13 climate act. The identification and prioritization  
14 of disadvantaged communities in the accounting for  
15 the benefits and cutting pollution and improving the  
16 resilience is what makes our climate act such a  
17 transformative law.

18 To identify disadvantaged communities  
19 in New York the climate justice working group was  
20 guided by the language in the climate act in  
21 identifying disproportionately burdened communities.  
22 They voted on forty-five indicators using data on  
23 environmental hazards, climate change risks, public  
24 health issues, geography and socioeconomic factors  
25 like race, income, education levels, unemployment

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2 rates and housing conditions.

3 Additionally, the draft disadvantaged  
4 communities designations are reflective of the  
5 working group, their lived experiences and the lived  
6 experiences of the residents of these underfunded and  
7 overburdened communities. Each census tract is  
8 scored based on a relative burden risk, vulnerability  
9 or sense -- sorry, sensitivity. Specifically, the  
10 percentile ranks of indicators for each census tract  
11 are combined to produce a value that measures a  
12 census tract's relative level of environmental  
13 burdens and climate change risks as well as  
14 population characteristics and health vulnerabilities  
15 relative to other tracts.

16 Tracts with higher sensitivity --  
17 higher scores related to other tracts in the state or  
18 their region were identified as disadvantaged  
19 communities. The working group also voted to include  
20 low-income households with -- which are households  
21 with at sixty percent of the state median income as  
22 disadvantaged for the purposes of benefits and  
23 investments. Under the draft criteria the addition  
24 of low-income households, fifty-four percent of the  
25 mid-Hudson area are considered to be in disadvantaged

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2 communities.

3 For a virtual -- sorry -- again, thank  
4 you for coming to this hearing. It's very important  
5 for us to hear your comments on this criteria. The  
6 Climate Justice Working Group worked very, very hard  
7 on this. It was a labor of love for anybody who  
8 actually watched any of our meetings, it was about  
9 twenty-two months of sometimes arguing and sometimes  
10 tense conversations ...

11 So we hope that everybody is taking an  
12 opportunity to look at the technical data that we've  
13 provided, and if you don't actually give your  
14 comments tonight, absolutely draft comments. We're  
15 accepting them until July 7th. We would love to hear  
16 from you on this criteria. Thank you.

17 A.L.J. MCBRIDE: Thank you, Alanah.  
18 So as you can see we have microphone covers that are  
19 going to be available for you to use. We're going to  
20 put a clean microphone cover on for each person and  
21 we're going to disinfect the microphone itself after  
22 everyone uses it.

23 So before we call on the speakers, I'm  
24 just going to read out the dates of the upcoming  
25 hearings for everyone. We have a hearing by Webex on



1 Disadvantaged Communities Criteria - 5-26-22  
2 Thursday, June 2nd at six p.m. There's an in-person  
3 hearing on Friday, June 10th at six p.m. at Grace  
4 Baptist Church, 52 South 6th Avenue in Mount Vernon.  
5 On Tuesday, June 14th at six p.m. there's going to be  
6 a hearing at the D.E.C.'s office in Long Island City.  
7 It's at 47-40 21st Street, and the hearing room is on  
8 the 8th Floor.

9 On Wednesday, June 15th at six p.m.  
10 there will be another virtual hearing by Webex. On  
11 Tuesday, June 21st at twelve p.m. there will be  
12 another Webex hearing. On Thursday, June 23rd at six  
13 p.m. there will be an in-person hearing at Push  
14 Buffalo, the former School 77, 429 Plymouth Avenue in  
15 Buffalo. On Wednesday, June 29th at twelve p.m.  
16 there will be another virtual hearing via Webex. And  
17 the final virtual hearing will be Thursday, June 30th  
18 at twelve p.m.

19 If you would like information about  
20 how to attend any of these hearings, the information  
21 is available at [Climate.ny.gov](https://climate.ny.gov). The e-mail address  
22 for anyone that would like to submit written comments  
23 is [DACcomments](mailto:DACcomments) -- one word, [DACcomments@DEC.ny.gov](mailto:DACcomments@DEC.ny.gov).  
24 And the mailing address is Draft D.A.C. Comments, New  
25 York State D.E.C., Office of Environmental Justice,

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2 625 Broadway, 14th Floor, Albany, New York 12233.

3 And, again, all of that information is  
4 available at the sign in table out in the lobby where  
5 you came in. And the department gives equal weight  
6 to both written and oral comments, and if you make an  
7 oral comment this evening, you also can supplement  
8 with a written comment.

9 So we're now going to begin taking the  
10 oral comments. When you come up please speak into  
11 the microphone. You can pick it up and hold it in  
12 your hand please. And, again, when you're done just  
13 take off the disposable microphone cover, put it in  
14 the garbage for me. And our first speaker is Jen  
15 Metzger.

16 MS. METZGER: Good evening.

17 A.L.J. MCBRIDE: You may have to use  
18 that microphone right there. That one. Perfect.

19 MS. METZGER: Oh, this one. Hold on.  
20 Good evening all. First of all, I want to thank the  
21 chair and the climate justice working group. I did  
22 get the opportunity to watch the meetings and know  
23 the incredible thoughtfulness and at times maybe hair  
24 pulling and all the rest that went into developing  
25 this criteria.

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2 And, you know, I -- I -- I didn't plan  
3 to speak today. I actually planned to listen because  
4 I'm from across the river. This is my region and I  
5 really just wanted to hear. But when I came in there  
6 were no other people that had signed up for public  
7 comment. So I just want to make a comment about  
8 process because this -- I was in the state senate and  
9 this -- passing this law, this climate law was my top  
10 priority when I was there.

11 And a critical component of it is  
12 ensuring that we have a just and equitable clean  
13 energy transition. So it's -- it's an -- this piece  
14 of it is such an important piece of it. And I'm kind  
15 of in the know in following the process, and I didn't  
16 know about this hearing until like a couple weeks  
17 ago. And I -- and I tried to reach out to community  
18 based organizations that I know and local electives  
19 that I know in these communities and they didn't know  
20 about it either.

21 So I urge -- I know there's a lot  
22 going on. The scoping plan was a big focus, but I  
23 really urge that time be taken to go into the  
24 communities, connect with community based  
25 organizations with, you know, faith based

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2 organizations. With school districts, with -- with -  
3 - with, you know, the -- the organizations and  
4 institutions on the ground in these communities. And  
5 have some conversations in addition to these hearings  
6 because people don't know about it. And they need to  
7 know about it. And they have lived experience to  
8 weigh in on in this. So that's my comment. Thank  
9 you very much.

10 A.L.J. MCBRIDE: Okay. Our next  
11 speaker is Elizabeth O'Rafferty.

12 MS. RAFFERTY: Okay. My name is Liz  
13 O'Rafferty. I am a transplant to the Poughkeepsie  
14 city in the last couple of months. I literally live  
15 here and not invest here. I'm vested in  
16 Poughkeepsie about four years ago. I am the C.E.O.  
17 of a nonprofit called the Growing STEMs Foundation.  
18 If you don't know what stem means it's science,  
19 technology, engineering and math. And we have to  
20 reduce the digital transformation, the  
21 decarbonization transformation gap when it comes to  
22 workforce development.

23 And so I -- I'm also ditto to what Ms.  
24 Metzger just said about the fact that there's hardly  
25 anybody here. And it's -- I don't think it's not due

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2 to lack of interest. I think it's due to lack of  
3 outreach. And as an educator that is something I'm  
4 seeing all over the place when it comes to  
5 disadvantaged communities that there's outreach but  
6 not proactive outreach.

7 And somebody termed it as benign  
8 neglect. And what I'm realizing is that folks can  
9 say we tried and then check that waiver box. I'm an  
10 M.W.B.E. as well in my professional life, and I've  
11 been literally told that federal funds that should go  
12 to M.W.B.E.s are oftentimes not going there because  
13 of the check on the waiver box because those people  
14 weren't found.

15 And I say all that to reiterate that  
16 this is the best thing, along with American Rescue,  
17 that has ever happened. This is the right time, the  
18 right generation and the right places to be when it  
19 comes to transformational change. Systemic change.  
20 And systemic change really means communication,  
21 transparency and accountability to build trust. And  
22 when you build trust, communities grow in  
23 collaborative effort.

24 So I have a couple of things that I  
25 want folks to ponder on. I looked at the map, the

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2 interactive map and I love the fact that there were  
3 so many variables when it came to vulnerabilities and  
4 burdens. And because of that extensive data  
5 collection, we have some nuances, and I'm going to  
6 speak particularly about the City of Poughkeepsie.

7 Even though we are in ninety-three  
8 percentile environmental burdens, there are parts of  
9 Poughkeepsie that do have large environmental  
10 burdens, but the population vulnerabilities are low.  
11 And so my concern is will there be differentiation  
12 when it comes to addressing the needs of the folks  
13 within these tracts. That's number one. And you get  
14 what I'm saying, right?

15 Number two, I'm going to go back to  
16 the word accountability. And I may have been  
17 mistaken. I know when I hear the term just  
18 transitions. I think about the disadvantaged  
19 community members and how they could be supported to  
20 lead fruitful lives because of the funding that's  
21 coming down the pike. And so I think about workforce  
22 development.

23 By 2030 it is expected that there will  
24 be a hundred and ninety thousand new jobs. There are  
25 major work development programs out there. They're

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2 being funded by different aspects of NYSERDA. I have  
3 it on my thing but I was going to pull up, you know,  
4 the website and stuff, but the bottom line is how  
5 will those who are getting the federal funds be held  
6 accountable for hiring members of disadvantaged  
7 communities. How will those C.B.O.s who are supposed  
8 to be training the workforce be held accountable for  
9 outreach because they're out there?

10 Stop checking that box and saying you  
11 tried. You got to meet folks where they are and  
12 build them up from where they're coming from to be  
13 productive when it comes to this transformational  
14 change. And this is the time and this is the  
15 opportunity. So I don't want to leave it hanging, so  
16 I'm going to put it in a statement. Companies who  
17 are funded must be held accountable for authentic  
18 transformational change and just transition. I thank  
19 you for that.

20 Oh, and the other thing is, we're  
21 supposed to be all electric school buses by 2035.  
22 I'd love to see the City of Poughkeepsie be able to  
23 do -- create transformation for all the kids so that  
24 there's -- there's no more barriers to getting their  
25 education and their informal education. Thank you.

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2 A.L.J. MCBRIDE: Thank you.

3 MS. O'RAFFERTY: Thank you.

4 A.L.J. MCBRIDE: Is there anyone else  
5 who's here this evening that would like to make a  
6 comment on the record? If you haven't registered  
7 that's fine. You can just come forward and make a  
8 comment if you would like to. If not I will read off  
9 the addresses again. I'd like to remind people equal  
10 weight is given to written and oral comments. And,  
11 again, if you want to submit comments by e-mail it's  
12 DACcomments -- that's plural DACcomments@dec.ny.gov.

13 Did you want to speak? Great, come on  
14 up please. Just tell us your full name when you get  
15 to the microphone.

16 MS. SANDOW: My name is Lori Sandow.  
17 I'm a City of Poughkeepsie resident. I know this is  
18 not a Q and A but I do have a question. Are there Q  
19 and A's still available to -- for people to learn  
20 rather than, you know, plow through the -- through  
21 the website?

22 A.L.J. MCBRIDE: We'll give you the --  
23 we'll give you the contact information as soon as  
24 you're done, yes.

25 MS. SANDOW: Great. I do want to echo



1           Disadvantaged Communities Criteria - 5-26-22  
2           what Jen Metzger said and what Liz O'Rafferty said.  
3           This is a city with a digital divide. I get D.E.C.  
4           e-mails and I've been posting this and sending e-  
5           mails to friends and acquaintances who I think would  
6           be interested. But even there is a church member who  
7           did not even know, you know, a very involved church  
8           member who did not even know that this was taking  
9           place tonight here at Beulah Baptist.

10                   And I just think the outreach fell  
11           short even when I posted, you know, I know that  
12           graphics catch eyeballs. And -- and all the links  
13           produced no graphic on say a Facebook post that would  
14           necessarily catch someone's eyes and say hey this is  
15           a meeting I need to show up at. So I don't have  
16           anything to contribute on the draft plan itself.

17                   I will say I do find Webex, you know,  
18           not only is there a digital divide where half the  
19           community doesn't own cars and doesn't own laptop  
20           computers and doesn't have home Wi-Fi. So if that's  
21           the method by which outreach is taking place, it --  
22           you can't talk about a disadvantaged community and  
23           then approach them or do outreach by a method that  
24           people don't have access to.

25                   But -- but I -- I'm sorry, I lost my

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2 train of thought on that, but I -- I think there's  
3 much more that needs to be done in this community.  
4 There are also, I mean, in my opinion, more  
5 nonprofits per capita in the City of Poughkeepsie  
6 than anywhere I've ever lived before, and many  
7 environmentally active groups. And I might not know  
8 everybody but I'm not seeing them in the room tonight  
9 either.

10 Not only am I not seeing community  
11 members, I'm not seeing nonprofits that are going to  
12 have their hands out to collect some of this funding.  
13 So anyway I think there's a lot more work to be done.  
14 I can say both for the City of Poughkeepsie and the  
15 City of Newburgh and, of course, this entire Mid-  
16 Hudson region. Thank you.

17 A.L.J. MCBRIDE: Thank you. Can I ask  
18 you to spell your last name for me?

19 MS. SANDOW: S-A-N-D-O-W.

20 A.L.J. MCBRIDE: D-O-W. Thank you  
21 very much.

22 MS. SANDOW: Thank you.

23 A.L.J. MCBRIDE: Is there anyone else  
24 that would like to make a comment? Anyone else like  
25 to make a comment? I just remind everyone at the

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2 sign-in table in the lobby where you came in, we have  
3 information with the website to get further  
4 information and the e-mail and the mailing address.  
5 And I believe we have all that information will show  
6 you where the other hearings are.

7 And I know that Ms. Sandow had said  
8 that it might be difficult for people to attend by  
9 Internet, and if you can let people know if they want  
10 to join a Webex hearing they can just call in for it.  
11 So you don't need Internet to attend any of the Webex  
12 hearings. So there's a phone number that you call in  
13 and you get the full hearing so you can participate,  
14 make a comment and you can hear all the other  
15 comments in the presentations.

16 Anyone else like to make a comment?  
17 All right. It's six thirty. I'm just going to go --  
18 would you like to sir? Thank you. When you do come  
19 up just let me know your full name, okay.

20 MR. ASHOKA: Sure will.

21 A.L.J. MCBRIDE: Thank you.

22 MR. ASHOKA: And I'll tell everyone  
23 too. Okay. Hi everyone. My name is Veekas Ashoka.  
24 I live in Beacon, New York, area code 12508. I'll  
25 spell my name later. Or I can spell it now. Sure.

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2 Yes, also wasn't planning to speak tonight. I think  
3 I'm more here to learn. As I was reading earlier and  
4 in the audience today, you know, I did notice a  
5 couple things.

6 I think first of all I think most of  
7 the -- the traits of communities selected they sound  
8 very comprehensive. I'm impressed. I am curious  
9 about the fact that this -- about thirty-five percent  
10 of census tracts were identified as D.A.C.s. And my  
11 understanding of the climate act is that the idea is  
12 to ideally invest thirty-five percent or more of  
13 funding into D.A.C.s which seems like a proportional  
14 level of funding. But my understanding is the idea  
15 is there should be additional funding and focus on  
16 disadvantaged communities.

17 And so I'm curious if there should be  
18 some mechanism for having maybe even a stricter  
19 criteria for disadvantaged communities that maybe  
20 places an additional emphasis on indigenous  
21 communities and more severely impacted ones in the  
22 state. I don't know -- I know that there is a  
23 ranking system. I can't find it online. I also  
24 haven't looked very much, so there might be that  
25 information. But if it were more easily available

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2 that would be very helpful.

3 Another thing I will just say is that,  
4 you know, we need a -- I hope that we here use this  
5 opportunity to see that there weren't that many  
6 people here today to organize for the next virtual  
7 hearing in the Hudson Valley or the next hearing  
8 which is a virtual one on June 29th. I will say  
9 after being here tonight I can commit to organizing  
10 and so I would love to work with some of you on that.  
11 That's my comment. Thanks so much.

12 A.L.J. MCBRIDE: Thank you very much.  
13 Would anyone else like to make a comment here this  
14 evening? All right. I remind you all again, all the  
15 information is available at our sign in table in the  
16 hallway. And, again, written comments are most  
17 appreciated. And we do have another virtual hearing  
18 for the Hudson Valley region. That will be  
19 Wednesday, June 29th at twelve p.m. And, again, you  
20 can join by telephone or over the Internet.

21 You can let people know that. If  
22 anyone has any questions about it, there's  
23 information about how to e-mail and a phone number as  
24 well so we encourage anyone to reach out before the  
25 date of the hearing if they need any help to join the

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2 Webex hearing on June 29th. On behalf of the D.E.C.  
3 I thank you all for coming out this evening. Thank  
4 you very much. Have a nice --.

5 (The hearing concluded at 6:30 p.m.)  
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2 STATE OF NEW YORK

3 I, ANTHONY MCCLAIN, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 22, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 6th day of June, 2022.

11

12 ANTHONY MCCLAIN, Reporter

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<b>able</b> 15:22	<b>authentic</b> 15:17
<b>absolutely</b> 8:14	<b>authority</b> 3:13
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