

MINUTES OF THE CLIMATE ACTION COUNCIL MEETING

HELD ON AUGUST 23, 2022

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 Tuesday, August 23, 2022. The following Members attended, and a quorum was present throughout the meeting:

Council Co-Chairs

- Doreen Harris, 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
- Mary T. Bassett, Commissioner, New York State Department of Health (Henry Spliethoff, Designee)
- Rory Christian, Chair and CEO, New York State Public Service Commission
- Mario Cilento, President, New York State AFL-CIO
- 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
- Justin Driscoll, Interim President and Chief Executive Officer, New York Power Authority (Yves Noel, Designee)
- Dennis Elsenbeck, Head of Energy and Sustainability, Phillips Lytle
- Thomas Falcone, CEO, Long Island Power Authority
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Dr. Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of NY
- Hope Knight, President and CEO-designate and Acting Commissioner, Empire State Development
- Roberta Reardon, Commissioner, New York State Department of Labor
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- Robert Rodriguez, Secretary of State, New York State Department of State (Sarah Crowell, Designee)
- Raya Salter
- Dr. 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

Also present were Climate Action Council Executive Director Sarah Osgood, various State agency staff and members of the public. Mr. Seggos and Ms. Harris, Co-Chairs of the Council, welcomed all in attendance.

Consideration of July 11, 2022 Meeting Minutes

This Agenda item was to advance the minutes from the July 11, 2022 meeting. Upon a motion duly made and seconded, the minutes were adopted.

Co-Chair Remarks

In the context of the Supreme Court ruling that constrains the ability to regulate carbon emissions from power plants, Co-Chair Seggos noted the passage of the Inflation Reduction Act (“IRA”) – the largest and most ambitious climate law in U.S. history. It is estimated that the IRA will contribute approximately \$370 billion to decarbonizing and modernizing nearly every sector of the national economy. Co-Chair Seggos recognized the intersection of the IRA with the Climate Act and the opportunity for multiple sectors of the State to benefit, particularly with the growth of green jobs.

Co-Chair Harris noted that, as a leader in decarbonization, New York is well positioned to receive the benefits of the IRA as a national leader in decarbonization legislation, calling it a game-changer in sectors and industries that are vitally important to implementing the Climate Act. She also highlighted the correlation of IRA funding directed toward wind, solar, and battery storage technologies, representing major components of New York’s green energy future, as well as the commitment to realizing benefits for low-and moderate-income populations. Major highlights of the IRA by sector include:

- Electricity including tax credits for clean sources of electricity and stand-alone storage, interconnection upgrades eligible for tax credits, \$30 billion in targeted grant and loan programs for states and electrical utilities to clean electrical supply, and provisions for direct pay and transferability of tax credits, and adders that drive funding to labor, including prevailing wage and apprenticeships.
- Buildings including \$9 billion for low-to-moderate income consumer home energy rebate programs, including heat pump incentives, 10 years of consumer tax credits for heat pumps, rooftop solar, and electric HVAC, and water heaters, with direct pay provisions, \$1 billion grant program to improve energy efficiency and climate resiliency in affordable housing, and tax credits for thermal energy storage.
- Transportation including electric vehicle and electric vehicle charging station tax credits, \$1 billion for commercial clean vehicle tax credits for ZEV trucks and buses, dedicated clean vehicle manufacturing facility support, both new and re-tooled facilities.

Other elements include clean hydrogen tax credits of up to \$3/kg for projects with low lifecycle emissions that meet labor rules, \$60 billion for onshore clean energy manufacturing in the U.S. across the full supply chain of clean energy and transportation technologies, up to \$60 billion in environmental justice priorities to drive disadvantaged community investments and a proposed Federal Green Bank.

Co-Chair Harris presented next steps for the State and the Council given the IRA, stating that agency staff will (1) modify modeling and analysis to better understand how the new legislation will inform the Integration Analysis; (2) identify key state roles and responses to mobilize around the IRA, including adapting existing programs where necessary; (3) receive input and assistance from the Council, stakeholders, and members of the public to maximize the benefits New York receives; and ultimately, (4) planning ahead based on the timing and nature of various funding streams.

Co-Chair Harris and Co-Chair Seggos also highlighted recent achievements within the State, including a NYSERDA announcement of up to \$30 million in funding for the Future Grid Challenge, a NYS Department of Environmental Conservation announcement of \$3.1 million in Environmental Justice Community Impact grants, the NYS Department of Transportation National Electric Vehicle Infrastructure (NEVI) Plan, and announcements by Governor Hochul for \$70 million in initial investments to decarbonize the New York City Housing Authority, an Offshore Wind solicitation by NYSERDA to accelerate clean energy development, and interagency efforts to develop an extreme heat action plan to protect New Yorkers.

Subgroup Progress Reports

Gas Transition Subgroup

Jessica Waldorf, Chief of Staff and Director of Policy Implementation, Department of Public Service, presented the Gas Transition Subgroup update, noting that the subgroup has made significant progress and is finalizing its framework. The Subgroup plans to meet two to three more times to discuss policy and program barriers for implementation, the role of alternative fuels in the gas planning system, review public comments and Climate Justice Working Group feedback, and consider revisions to the framework and gas system transition chapter of the draft Scoping Plan.

Ms. Waldorf presented detailed slides showing the key considerations of the group and thorough guidance for the Council to consider integrating into the final Scoping Plan. High-level key considerations are to:

- Ensure gas transition plan meets greenhouse gas emission reduction targets
- Reduce energy burdens and ensure energy affordability
- Consider health benefits and cumulative impacts, including historical burdens
- Prioritize continued improved safety and reliability
- Consider role of alternative fuels and technologies in future gas planning system
- Ensure close coordination with electric system expansion
- Ensure equitable access to alternative heating options in Disadvantaged Communities
- Ensure a just transition for gas industry workforce
- Prioritize emissions and co-pollutant reductions in Disadvantaged Communities to ensure no disproportionate burden
- Consider use of existing gas infrastructure
- Identify needed changes to laws and regulations for alignment with the Climate Act
- Include a communications strategy and customer education plan
- Include a detailed timeline for transition.

Alternative Fuels Subgroup

Jared Snyder, Deputy Commissioner, Climate, Air, and Energy, NYS Department of Environmental Conservation, presented on behalf of Maureen Leddy, Director, Office of Climate Change, NYS Department of Environmental Conservation for the Alternative Fuels subgroup. Mr. Snyder stated the group has met six times, with two additional meetings planned to finalize recommendations for Council consideration. Mr. Snyder reported on the group's methodology for utilizing its assessment criteria, stating that it begins with a simplified criteria question and then progresses to more complex assessment criteria when evaluating alternative fuels strategies in the draft scoping plan. Some of the assessment criteria are:

- Does this strategy use existing fossil fuel infrastructure?
- As this sector transitions to electrification, can this strategy reduce greenhouse gas emissions or fossil fuel use during the remaining useful life of existing equipment?
- Does use of this fuel address electrical system transmission and distribution capacity constraints?
- Would greenhouse gas emissions be reduced from the reference case?
- Could this strategy reduce the intensity, or volume of co-pollutants from the reference case?
- Could this reduce the use of fossil fuels, emissions of greenhouse gases or the intensity or volume of co-pollutants in Disadvantaged Communities?
- Does this address a challenging-to-electrify sector or a strategic use?
- Does this address the need for ~10% dispatchable zero-emissions generating capacity?

Economy-Wide Subgroup

Mr. Snyder also presented on behalf of the Economywide Subgroup. The group has met six times, with two additional meetings scheduled. Mr. Snyder noted that Resources for the Future presented to the group on June 29, 2022 and provided some insight into various approaches to carbon pricing, and that future meetings would be focused on developing economywide approaches that reflect the priorities set by the Subgroup. Mr. Snyder highlighted two priorities of particular importance that have been added, one that addresses affordability and one that addresses program design, maintaining administrative simplicity. The Subgroup listed seven of the 15 criteria as high priority: (1) certainty of emission reductions to comply with Statewide emissions limits, (2) price certainty, (3) mitigating risk of leakage, (4) supporting economic development and innovation, (5) maintaining affordability for consumers and businesses, (6) prioritizing emissions and co-pollutant reductions in Disadvantaged Communities and avoiding hotspots, and (7) affordability and avoiding regressive impacts.

Integration Analysis Updates

Carl Mas, Director, Energy and Environmental Analysis, NYSERDA, presented an update to the Integration Analysis, which he noted is regularly updated as standard practice, and changes over time as more information is received. In response to stakeholder requests, the staff team updated Annex 2 of the Integration Analysis from the draft Scoping Plan to include additional insight into sector-specific costs, including the 2030 and 2050 annual snapshots that had been provided in previous analyses. Mr. Mas explained that simply adding up the costs and benefits over the years would not represent an accurate accounting. Rather, Mr. Mas indicated that a net present value (NPV) approach is most appropriate for long-term decarbonization studies such as this, including both costs and benefits of long-term decarbonization, and is the standard accounting method for scientific, business, and utility settings. He also noted that discounting is needed to reflect the time value of money and that evaluating costs using a NPV is also standard accounting for such an effort.

Mr. Mas presented two graphs, one for Scenario 2 and one for Scenario 3, representing an annual net benefit cost analysis for each scenario and sector. Both graphs indicate that the benefits for each scenario are positive for each year. Mr. Mas explained the costs on each graph represent costs that are, or will, be incurred within each sector each year; avoided costs are represented as “avoided reference investments”; health benefits and avoided greenhouse gas emissions are also represented in the graphs. This information will be published on the Climate website (www.climate.ny.gov).

Mr. Mas then presented on the “2022 Integration Analysis Vintage”, a refresh of the Integration Analysis incorporating the latest available information including re-benchmarking the latest Statewide inventory and greenhouse gas accounting methodology, incorporating updated input data (where available), and a general cleanup of the 2021 vintage. Mr. Mas emphasized the 2022 vintage does not change the modeling structure or key adoption or performance variables, including pathway themes, the adopting rates or performance of key technologies, 70x30 or 100x40 requirements, or emissions limits. The staff team is working to incorporate the IRA into the Integration Analysis, and anticipate that costs borne by New York ratepayers for decarbonization will come down with the addition of IRA tax rebates, grants, and other funding.

Mr. Mas clarified that while many of the sectors were updated, new sources for every sector were not available and it was noted that many of the changes made through incorporating updated information reflect comments received during the public comment period. The staff team will continue to monitor the public comments to determine if additional areas and additional sensitivities should be explored. Notable changes include:

- Where new sources were available, they reflected higher near-term fuel and electricity storage prices due to global supply chain disruptions, and modest long-term declines in technology costs as the technology progresses.
- Updated accounting led the original Pathways analysis to exceed net neutrality, reducing the need for other expensive mitigation measures, like Direct Air Capture, that were required to meet the 2050 net neutral target.
- Improvements to storage treatment and incorporation of the latest expected Tier 4 delivery quantities reduced demand for zero emission firm resources and offshore wind, respectively, in the mitigation scenarios.
- Updates refined the characterization of fugitive emissions mitigation measures in the New York oil and gas system, and the updated health analysis refined geographic allocation of industrial wood burning emissions toward the areas where combustion is more likely to occur.

Mr. Mas reported that the updated analysis results reinforce the previous year’s findings in that the cost of inaction greatly exceeds the cost of action, by more than \$100 billion. The system costs across all scenarios are in the same range, given uncertainty. The range of net benefits across all scenarios narrows, from \$90-120 billion to \$115-\$135 billion. Given that, Mr. Mas stated that it remains important to develop insights across multiple factors, including technology readiness and consumer acceptance.

The staff team will model potential reductions in pathway costs from anticipated implementation of IRA programs, run a new electrical system model to reflect investment tax credit and production tax credit changes, and present a range of outcomes to reflect uncertainty around the impacts of key provisions. Additionally, the staff team will revisit the uncertainty range in fuel price forecasts, assess the impacts of electrification, heating system configuration, and magnitude of building shell efficiency investment on key metric outputs, and explore the impacts of expanded

uncertainty range of electric distribution system cost to support the drafting of the Final Scoping Plan.

In response to a clarifying question from Anne Reynolds as to whether costs covered by federal funding were included in system costs in the analysis, Mr. Mas replied that all costs currently reflect the underlying societal costs, as the analysis has not yet explored “who pays”.

In response to an inquiry from Dennis Elsenbeck as to how real time information is folded into the Integration Analysis, such as funding recently awarded to National Grid to transition toward a renewable energy future, Mr. Mas responded that the Staff team very closely follows the distribution of these types of awards, as well as other proceedings, to ensure the Integration Analysis and the Scoping Plan not only reflect the reality of the current moment, but also align with key agencies and industries moving forward to provide as smooth a transition as possible towards decarbonization. The importance of reviewing multiple sensitivities to ensure the Integration Analysis predictions are as accurate as possible is understood. Mr. Elsenbeck emphasized the importance of thoroughly examining grid readiness, particularly in Disadvantaged Communities, to ensure the technologies recommended in the Scoping Plan are realistic and appropriate.

In response to an inquiry from Dr. Bob Howarth as to whether the Integration Analysis has further delved into the affordability and peak electrical load considerations of air source heat pumps versus ground source heat pumps or community heat pump systems, Mr. Mas responded that heat pump analysis is a portion of the core sensitivities and noted that the team will be examining the interaction between the heat pumps and distribution costs to determine the best course forward. Community thermal networks is also being examined, but a good data set is lacking to draw upon to really characterize the technical potential of the true costs of the systems, and he cited this as a potential future research need.

Public Comment Summary and Proposed Process for Integration

Sarah Osgood, Executive Director, presented an overview of public comments received in response to the Draft Scoping Plan. Of the approximately 35,000 comments received, about 28,500 are “form letters” representing about 45 distinct campaigns, over 900 comments were submitted with attachments, and approximately 5,500 unique, individual comments were received. The staff team continues to review and synthesize the comments, so the meeting presentation was in the form of an overview and a general synopsis of the topics of interest to commenters. A report on more actionable recommendations will be provided upon completion of the comment review. The 45 email campaigns will be discussed by topic, with the actual form letters to be provided for Council Members to review. The feedback is listed in order of magnitude, with the most comments received per topic coming first. The key topics of general feedback from the unique comments are:

- Cost impacts
- Capacity, reliability, and security of the electrical grid
- Rural and Upstate community needs
- Jobs and the New York economy
- Alternative fuels
- Scoping Plan goals, timeline, and process
- Renewable energy technologies
- Climate Justice and equity
- Perceived ban on wood burning
- Economy-wide strategies.

Key topics of email campaigns and form letters are:

- Gas system transition
- Climate and Environmental Justice
- Multi-topic
- Green Hydrogen
- Agriculture and Forestry
- Wood burning
- Nuclear energy
- Waste incineration
- Legislation

Presentation of General Feedback

Regarding cost impacts feedback, Ms. Osgood stated some commenters believed the benefits of the transition will outweigh potential costs of delayed action, but many were concerned about the potential cost impacts of the plan. Commenters were specifically concerned with the cost of the renewable energy transition, citing expected costs of up to \$25,000-\$50,000 to upgrade homes to alternative technologies in accordance with the plan, and noted individuals on fixed incomes or in Disadvantaged Communities would not be able to afford the transition. Ms. Osgood stated commenters also expressed concerns about increasing electricity costs as reliance on and demand for electricity increases, noting the affordability of natural gas, wood, and propane for home heating and gasoline for vehicles. Some commenters expressed concern that taxes will increase for New Yorkers and drive residents away.

Ms. Osgood next discussed commenter feedback on capacity, reliability, and the security of the electrical grid. Many commenters questioned the reliability of the current grid infrastructure and its ability to handle an increase in load, with some citing experiences with power outages and referencing the Texas and California outages as well. Ms. Osgood noted commenters also expressed concern about the intermittency of renewable energy resources, particularly as a sole source of electricity. Lastly, Ms. Osgood noted concerns surrounding energy security of the grid, emphasizing that full electrification would leave the State vulnerable to cyber-attacks on the grid. Commenters also prioritized energy independence, suggesting that meeting the State's energy demand without fossil fuels would require purchasing renewables from other countries and states.

In discussing concerns for the Upstate and rural communities of the State, Ms. Osgood stated that some commenters believe the uniqueness of these areas and their needs were not adequately addressed. Commenters expressed concerns that electrifying homes and transportation is not technically viable in all regions, with many Upstate and rural homes relying on personal vehicles due to the lack of public transportation. Moving to all electric vehicles may not be feasible due to limited charging infrastructure, insufficient range, and reduced battery performance in cold temperatures. Ms. Osgood also noted commenters were concerned about the reliability and affordability of electrifying farming equipment. Commenters had similar concerns about building electrification, noting rural households depend on wood, natural gas, and propane for heating and cooking, and were concerned about a change to a potentially unreliable electrical grid and also questioned the reliability of heat pumps in cold temperatures.

Summarizing comments on jobs and the New York economy, Ms. Osgood acknowledged a split in opinion among commenters, with some praising the proposed transition's job creation and focus on well-paying, union jobs and training efforts, while others expressed concern about the potential for widespread job loss for electricians, local appliance distributors and manufacturers, natural gas and propane distributors, utility employees, and others within the fossil fuel industry.

Similarly, comments received regarding alternative fuels were divided in opinion on the inclusion of alternative fuels such as renewable natural gas, green hydrogen, and biofuels. Ms. Osgood stated some commenters viewed alternative fuels as positive solutions while others framed them as "false solutions" and emphasized focusing instead on bolstering trusted zero-emissions fuels such as solar photovoltaics, wind, and hydroelectricity. In many of these cases, commenters expressed a preference for Scenario 3 given its limited focus on alternative fuels.

The comments on Scoping Plan goals, timeline, and process expressed significant concern about climate change and its impacts, and emphasized the need to transition away from fossil fuels as soon as possible, praising New York's leadership on climate action. However, commenters were divided on the timeline, with some expressing concern that the timeline was not ambitious enough given the urgency of climate change, with others concerned the timeline is too rapid, and will not allow the grid and society sufficient time to adjust to the new reality. Ms. Osgood also noted many commenters were concerned that access to fossil fuels would be eliminated immediately, and concerned by the lack of public awareness of the existence of the Scoping Plan.

Ms. Osgood stated commenters who addressed renewable energy technologies were largely supportive of a transition to clean energy, along with both large- and small-scale renewable energy installations and especially community solar opportunities. However, some commenters felt the environmental impacts of developing and disposing of renewable energy technology and batteries, the sourcing of unsustainable materials and its impact on countries where component materials are made were not adequately addressed, and requested additional clarity on end-of-life recycling processes. Ms. Osgood also noted some commenters were concerned about siting large-scale renewable energy on arable land, as well as potential long-term impacts on soil quality and wildlife.

Commenters on Climate Justice and equity expressed appreciation for the focus on equity and its inclusion and consideration of Disadvantaged Communities. However many commenters expressed dismay that the Plan does not adequately address emissions reductions in these communities, particularly when located near waste incineration sites, high traffic areas, and other high-emitting infrastructure. Ms. Osgood noted some commenters opposed the term "Climate Justice" as they felt rural communities were not emphasized enough.

Ms. Osgood noted some commenters' perceived belief that the Plan would ban wood burning, with commenters divided on their standpoint. Some were supportive of the perceived ban, citing public health concerns such as asthma and other negative health effects from exposure to co-pollutants, while other were strongly opposed citing concerns about the cost and reliability of other home heating options.

On the topic of economy-wide strategies, Ms. Osgood stated that several commenters recommended implementing a program that establishes a price on carbon across sectors, especially if the proceeds are redistributed to Disadvantaged Communities or low-to-moderate income households. However commenters did not provide specific recommendations on implementing this program, and there was limited feedback regarding the specific economy-wide strategies highlighted in the Scoping Plan.

Ms. Osgood summarized several sector-specific comments, such as expressed appreciation for proposed investment in public transportation and smart growth to reduce personal vehicle usage, were supportive of transitioning away from hydrofluorocarbons in the building sector, and supportive of strategies to reduce waste, divert waste from landfills, and use more sustainable materials in packaging. Ms. Osgood noted specific support for reducing waste from demolition and construction projects through reuse, as well as measures that would alleviate greenhouse gas leakage from landfills and anaerobic digestors, especially from those located in Disadvantaged Communities.

Ms. Osgood noted that not all commenters believe climate change is human-related, or that climate action taken only by New York will provide any measurable impact on global warming. Additionally, some commenters expressed concern that the Scoping Plan exemplifies government overreach and oppose mandates to adopt specific technologies.

Presentation of Email Campaigns

Reviewing the gas system transition issues campaign, Ms. Osgood stated the identification of approximately eight separate campaigns targeted to the Gas System Transition portion of the Scoping Plan. The campaigns largely expressed concern with the effective elimination of natural gas and other fuel use in New York owing to the potential cost impact to customers, elimination of energy choices, uncertainty over electrical grid reliability, resiliency, and weather event recovery, and concern that the expensive and unreliable power will disproportionately impact elderly and low-income New Yorkers. Ms. Osgood noted several of the campaigns were specific to bioheat fuel, suggesting it offers an immediate solution for decarbonizing heating and transportation at no extra cost to consumers, and urged a more widespread adoption of low carbon liquid fuels. Ms. Osgood stated that several campaigns from business owners support climate action, but prefer an “all of the above” approach that includes natural gas, renewable natural gas, solar, wind, nuclear, and emerging technologies to ensure reliability and safety. Several restaurant owners expressed concern with what they perceive as a “forced transition” from natural gas to electricity.

Ms. Osgood stated twelve campaigns targeted the climate and environmental justice portion of the Plan that were overall supportive of strong action, stating climate and environmental justice must be the driver of outcomes of the Scoping Plan. As relates to electricity, the campaigns advocate for stronger commitments, a plan to phase out existing fossil fuel plants, a moratorium on new fossil fuels plants, annual targets for renewable deployment, and no reliance on hydrogen, renewable natural gas, or carbon capture sequestration. The campaigns also called for recognition of indigenous sovereignty, and for the Council to consult with indigenous communities and provide them decision-making power on what is contained within the Scoping Plan, particularly regarding sovereign status as it relates to energy projects and the storage and disposal of spent nuclear waste and closed nuclear facilities near indigenous communities. The campaigns also supported emphasizing vehicle electrification that does not include single occupancy vehicles, the importance of financing for the full cost of electric vehicles, and a cost benefit study of high-speed rail options. The campaigns also seek enforcement accountability measures and goals related to benefits and investments, incentives to capture refrigerant gases, and a clearer explanation of transportation policies.

Ms. Osgood noted one of the most frequently discussed topics in the climate and environmental justice campaigns was just transition, requesting stronger language on supporting labor standards, requiring prevailing wage and benefits, project labor agreements, and community benefits agreements. The campaigns requested that targeted workforce efforts should include groups who have been traditionally excluded, such as women and the formerly incarcerated. In buildings, there is a request for a Retrofit and Electrification Readiness Fund to provide targeted direct investments to Disadvantaged Communities and the affordable housing sector, including a Climate Justice Working Group recommendation for a utility customer bill of rights, a safety net guarantee of affordable house renewable energy to every household, public education regarding the energy system, and clawback provisions around public subsidies to private landlords as an anti-displacement strategy to mitigate rent increases and evictions. For industry, the campaigns requested clarification that the objective of the Scoping Plan is to promote climate and environmental justice rather than business development, and to involve Black, Indigenous and People of Color communities in creating workforce development programs.

The climate and environmental justice campaigns also addressed the waste sector, suggesting that the Scoping Plan empower community-led solutions to waste-management, expand local-scale composting and recycling to equitably geographically distributed facilities, include zero-waste strategies, and agreeing with the Climate Justice Working Group in its opposition to strategies relating to the expansion of biogas use and industrial anaerobic digesters. The campaigns expressed concern within the Agriculture and Forestry sector, specifically with the recommendations that are opposed by the Climate Justice Working Group, including establishing carbon markets and building markets for bioenergy and biofuels. Campaigners seek an increased effort to raise public investment in land access and resources for historically underserved and underrepresented communities, support for land managers who regenerate soil, and who prioritize afforestation and forest preservation efforts. The campaigns request equitable transit-oriented development approaches include preparing communities for a just transition rather than simply striving for development and growth, highlighting the differences in needs across the State. The campaigns requested an outline for detailed public health guidelines to track and measure improvements in health communities, including outlining the Scoping Plan to bring clean air into homes and ensure greenspaces in Disadvantaged Communities.

Ms. Osgood stated approximately nine campaigns covered multiple topics, including many of the aforementioned, with additional concerns that the Scoping Plan would harm Upstate by increasing costs associated with retrofitting homes for electrification, suggesting more interim goals, stronger financial support for electrification, and forest policies that protect intact forests, and comments reflecting the climate and environmental justice campaign themes. Ms. Osgood noted one campaign spoke only of green hydrogen, reflecting concerns with it being referred to as a climate-friendly solution and that it should be used only as a last resort for decarbonization.

Ms. Osgood stated seven different campaigns received pertaining to Agriculture and Forestry, with an overarching concern that the Scoping Plan does not adequately emphasize how forests, forest products, and ultimately bioenergy can provide a positive impact on climate change. She noted that the campaigns also mentioned the paper and wood products industry, embodied carbon potential in building materials, sustainable forest management by private forest owners, issues of land use preservation versus conservation, a suggestion to include wood products manufacturing sector in the energy intensive and trade exposed section of the Scoping Plan, and support for the availability of multiple fuel sources for the medium and heavy-duty vehicles essential to the mill industry. Alternatively, campaigns discussing wood burning emphasized the greenhouse gas and collective emissions from wood burning, the importance of leaving forests intact, and

requested removing the strategy to develop a sustainable biomass feedstock action plan as it calls for an expansion of biomass and bioenergy.

Ms. Osgood stated three campaigns were received regarding nuclear energy, with all supporting its critical role in achieving the State's climate goals and recommending an extension of the Zero Emissions Credit Program. The campaigns also noted that Upstate nuclear facility operations avoid 16 million tons of carbon emissions annually, provide thousands of highly skilled jobs and millions of dollars in tax revenue, and are one of Upstate New York largest employers. Ms. Osgood also stated that waste incineration was the topic of two campaigns, expressing disappointment that the Scoping Plan does not call for an end to trash incineration or a rapid transition to zero waste Statewide. These campaigns called for prioritizing the end of waste incineration, closure of ten municipal solid waste incinerators, and a recommendation that no new incinerators, gasification, or pyrolysis facilities be permitted in the State. Campaigners also called for a transition to a zero-waste system that is as protective as possible of public health, environmental justice, and the environment.

One category of campaigns focused on legislative strategies, urging no expansion of fossil fuel during this critical time, and urging the Council to co-sponsor the Renewable Heat Now package of legislative proposals for a just and affordable transition of buildings from fossil fuels.

Ms. Osgood stated that work was continuing on summarizing themes and actionable recommendations on subgroup topics and non-subgroup topics for subgroup and Council consideration during the September and October meetings.

Proposed Process for Climate Justice Working Group Feedback Integration

Ms. Osgood stated that Climate Justice Working Group feedback integration will follow a similar approach as the public comments. Feedback that was pertinent to subgroup topics has been distributed to the subgroups for consideration, and final report-outs to the Council by subgroups is designed to have considered the feedback. Ms. Osgood proposed feedback on non-subgroup topics be considered alongside of, but separate from, public comments during the September and October Council meetings.

In response to an inquiry from Anne Reynolds as to whether the team, while analyzing the comments, were surprised by the feedback or lack of feedback from a specific sector, Ms. Osgood responded that overall the comments reflected back the public comments and viewpoints of various Council Members. However the organization and feedback of the forest products industry highlighted the importance of the Council and the Scoping Plan to speak directly to specific industries and to avoid or mitigate unintended consequences.

In response to an inquiry from Dr. Shepson regarding whether the comments and actionable recommendations were being reviewed from the perspective of whether they assist the Council in meeting the goals of the Climate Act, Ms. Osgood responded that determination is for the Council as to which recommendations might be included in the final Scoping Plan. She noted that it is recognized that not every recommendation will be included, but the team is working to highlight the comments and recommendations which have been most frequent for consideration by the Council.

Raya Salter expressed her gratitude for the approach taken on the comments and suggested a breakdown of where the different perspectives in the public comments are originating. Ms. Osgood responded that for each of the email campaigns, a sample email will be included in an appendix to be provided to Council Members and individual comments will be provided to Council Members within the coming weeks.

In response to an inquiry from Dennis Elsenbeck as to whether the team has developed a method to glean recommendations from the comments without the lens of misinformation or political standpoint in an effort to view comments from a more neutral standpoint, Ms. Osgood responded that the most difficult part of the comment review and the Scoping Plan process as a whole is ensuring that all viewpoints submitted are read with an open mind, noting that it is impossible to be completely accurate in a way that pleases all, but the goal is to continually reassess for improvement. Receiving information and recommendations from a wide variety of sources is the best way to ensure a well-rounded Scoping Plan. Co-Chair Harris agreed, noting that many commenters have likely been following the process for many months, if not years, and have developed opinions over time, as has the Council.

In response to an inquiry from Peter Iwanowicz as to whether local governments submitted public comments, Ms. Osgood responded that many local governments did submit comments, and the majority of them were submitted in the form of a resolution recommending changes to the Scoping Plan. Ms. Osgood noted these will be organized as a group to be reviewed by the Council. Mr. Iwanowicz requested to document where feedback from the Climate Justice Working Group recommendations is included in the Scoping Plan to ensure that the Council meet its obligation under the Climate Act to truly benefit disadvantaged and frontline communities, and historically under-represented groups. Ms. Osgood responded that will be documented and shared. In response to a comment from Rose Harvey, Mr. Iwanowicz clarified that he was speaking only of tracking the recommendations provided by the Climate Justice Working Group, rather than the entirety of the public comments received.

Proposed Process for Disadvantaged Communities Barriers and Opportunities Report Integration

Ms. Osgood reminded the Council of the presentation at the July meeting led by Sameer Ranade, Climate Justice Advisor, Climate Action Council, on the Barriers and Opportunities Report, that highlighted three recommended themes to include in the Plan: (1) ensure inclusive processes; (2) streamline program access; and (3) address emerging issues. Ms. Osgood reiterated the staff team proposal to amend the Scoping Plan in light of these recommendations as to how best to equip State Agencies with the knowledge and administrative capacity to turn the recommendations into actionable results. Staff is proposing to include the high-level recommendations listed in the Climate Justice Chapter as themes and principles to guide the State in implementing the Climate Act. Ms. Osgood also suggested including a directive for agencies to conduct a self-assessment of relevant programs and policies to better understand barriers within the agency and develop solutions, using the high-level themes as a framework. Ms. Osgood stated that the recommendation is that agencies begin implementing solutions to their barriers by 2024. It was also suggested that the Scoping Plan could also be adjusted based on recommendations specific to certain sectoral policies.

Next Steps

Ms. Osgood stated the Council will be moving toward a schedule of holding two meetings per month to ensure adequate time to complete the final Scoping Plan. Ms. Osgood reported the meetings in September and October will cover final subgroup report outs, Integration Analysis updates, and addressing public feedback and Climate Justice Working Group comments. The November meetings will provide time for Council to give feedback on the revised Scoping Plan. The December meetings will be held for Scoping Plan review and final consideration. Ms. Osgood also noted that the Council may begin meeting in person, depending on required protocols.

In response to an inquiry from Ms. Salter requesting specifics on how the information provided to the Council will be included in the Scoping Plan, Ms. Osgood responded the Alternative Fuels subgroup plans to give their final report out to the Council at the first September meeting, specifically noting any recommendations or comments the subgroup did not consider so the items can be considered by the Council. Subgroups will continue to report out during the September and October meetings. Ms. Osgood stated some redline edits to the Scoping Plan itself may be provided. Ms. Osgood noted non-subgroup items will be reviewed topically by the Council, as well as a list of specific actionable items for the Council to consider. As the Council considers comments and the Scoping Plan modifications occur, Ms. Osgood stated there are several different ways the information could be provided, and the method chosen will depend on how conversations progress during the meetings.

Ms. Salter expressed concern with the remaining time available to the Council and inquired as to the review for the subgroup report outs, public comments, and Climate Justice Working Group feedback during the meetings, and recommended prioritizing Climate Justice Working Group and subgroup feedback. Ms. Osgood responded that it will be a delicate balance, and the Council will be provided with as much text as possible to review prior to meetings to maximize meeting efficiency. Co-Chair Harris stated she views the process presented as a way to ensure adequate time is provided to the Members for review of the materials while also ensuring the full meetings are as efficient as possible.

With that, the meeting was adjourned.



KATHY HOCHUL
GOVERNOR

DOREEN M. HARRIS
CO-CHAIR

BASIL SEGGOS
CO-CHAIR

Meeting Agenda

August 23, 2022

- Welcome
- Consideration of July 11, 2022, Minutes
- Subgroup Progress Reports
- Integration Analysis Updates
- Public Comments Summary and Proposed Process for Integration
- Proposed Process for CJWG Feedback Integration
- Proposed Process for Disadvantaged Communities Barriers & Opportunities Report Integration
- Next Steps