

**MINUTES OF THE CLIMATE ACTION COUNCIL MEETING  
HELD ON OCTOBER 25, 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 pm on Thursday, October 25, 2022. The following Council Members attended either in the Albany or New York City locations which were accessible by the public, or by videoconference as noted below. A quorum was present throughout the meeting. Unless otherwise indicated, the following Council Members attended in person:

**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 (Brian Steinmuller, Designee)
- Mary T. Bassett, Commissioner, New York State Department of Health (Gary Ginsberg, 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 CEO, New York Power Authority
- Dennis Elsenbeck, Head of Energy and Sustainability, Phillips Lytle (by videoconference)
- Thomas Falcone, CEO, Long Island Power Authority
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association (by videoconference)
- Dr. Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of NY
- Hope Knight, President, CEO and Commissioner, Empire State Development (Ian Wells, Designee)
- Roberta Reardon, Commissioner, New York State Department of Labor (by videoconference)
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- Robert Rodriguez, Secretary of State, New York State Department of State
- Raya Salter

- Dr. Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University

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

### **Consideration of September 29, 2022 Meeting Minutes**

This Agenda item was to advance the Minutes from the September 29, 2022 meeting. Upon a motion duly made and seconded, the Minutes were adopted.

### **Consideration of October 13, 2022 Meeting Minutes**

This Agenda item was to advance the Minutes from the October 13, 2022 meeting. After incorporating two clarifications, upon a motion duly made and seconded, the Minutes were adopted.

### **Co-Chair Remarks**

Co-Chair Harris highlighted recent announcements, including an energy efficiency project groundbreaking in the South End of Albany, the announcement of the Community Solar Program offering for underserved New Yorkers, and a land transfer to support a National Offshore Wind Training Center in Suffolk County .

Co-Chair Seggos reported that the Climate Justice Working Group has been holding in person meetings in Albany, New York City, the North Country, Utica, Rochester and Buffalo and the State announced \$13 million to protect clean water and support farmers in the fight against climate change , and the U.S. Environmental Protection Agency announced that New York would receive \$207 million in federal funds for clean water funding.

### **Code Adoption Process**

Co-Chair Harris stated that the previous Council meeting included a review of staff recommendations to address public comment on the Building Chapter of the Draft Scoping Plan which led to a discussion regarding New York State building codes, specifically regarding code changes that would prohibit building systems or equipment used for the combustion of fossil fuels in new construction, Statewide. This discussion included a recommendation to modify the effective date in the draft scoping plan by one year to 2025 for low-rise residential building and to 2028 for multi-family buildings with four or more stories and for commercial building to align with the code adoption process. To provide additional context for the recommendations and to provide more time for dialogue, the Council invited Matthew Tebo, Deputy Secretary of State and designated Chair, State Uniform Fire Prevention and Building Code Council, and John Addario, Director, Division of Building Standards and Codes, both of the NYS Department of State.

Mr. Tebo explained that the Code Council is a statutory body that is responsible for updating the New York State Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code (the Codes) and is comprised of seventeen members including representatives of the State and local governments as well as professional experts most impacted by the Codes. The Council begins its process with the Model Codes that are prepared by the International Code Council, which are updated on a three-year cycle, and it modifies those Model Codes to meet the needs of New York. The International Code Council uses input from approximately 49 states as

well as other countries. The 2024 Model Codes are currently under review with draft language expected to become available during 2023. The State is currently using the 2020 New York Code, based upon the 2018 Model Codes. It typically takes about three to four years for the Code Council to modify the Model Codes and adopt them. Given that the 2021 Model Code language was available at the time adopted the 2020 Codes, the State was able to incorporate a number of provisions so that it is a hybrid of the 2018 and 2021 Model Codes.

In addressing the schedule, Mr. Tebo stated that in late-2021 and early-2022, the Code Council determined it could jump to the 2024 Model Codes given that a number of the important provisions had previously been incorporated into the Code, with only a loss of three to six months of development time and is anticipated to be complete by the end of 2024. The Code Council, working with the Division of Building Standards and Codes, have redefined and redesigned the review and adoption process to meet this unique opportunity to jump ahead. In doing so, new software will allow more direct modification of copyrighted material with fewer iterations, which significantly reduces the timeline. The statute requires a short period of time between code adoption and the effective date of the Code, partly for code enforcement training, which feeds into an early-2025 timeframe, as suggested by the Scoping Plan recommendation. The adoption schedule is extremely tight with a number of work streams that must run concurrently and a number of dependencies, making the New York process only about nine months behind the International Code Council process, rather than three years behind.

The Department of State has begun working on its contract with the International Code Council, the first step in the process. DOS is also working to identify the reference standards for which their use will need to be negotiated. Meanwhile, NYSERDA is working to develop the life cycle cost regulation to replace the ten-year pay back provisions, which will allow for much greater modification of the Energy Code. All of these steps need to be completed in early-2023. The first few books of the 2024 Model Codes is expected to be received in March 2023 and in the State expects receipt of all code books by September 2023. This process is expected to yield approximately 600 to 1,000 New York changes that will go to the Code Council for review and approval, which requires 9 votes from the 17-member body. At this time, the Code Council has recommended the 2024 Model Codes as the base and have engaged in approximately 10 working group sessions. The Code Council meets four times per year (March, June, September, and December), with member review of materials in between.

Mr. Tebo explained that, given the code update process is a regulatory rulemaking, the State Administrative Procedures Act process must be followed that allows for public comment. This part of the process will begin about one year from now and will include soliciting informal public comment as well as the formal Notice of Proposed Rulemaking, at which time there is a mandatory 60-day period of public comment and hearings held around the State. The assessment of that input may lead to potential changes, which if major, could lead to a revised rulemaking phase. Again, adoption of the new Code is anticipated to be the end of 2024 or very early in 2025. Mr. Tebo stated that this cycle of code review will likely result in the most significant change to the Codes since the State moved to the Model Code structure in 2003, which will likely require a State Environmental Quality Review pursuant to statute, which would run concurrently with SAPA and is likely to also take about one year's time. This process is supported by teams from both the DOS and NYSERDA.

In response to an inquiry by Dr. Howarth as to whether the recommendation to change the year of implementation also includes a change in the definition of a low-rise building, Vanessa Ulmer, Policy Lead, Energy and Environmental Analysis, NYSERDA clarified that the recommended proposal aligns with the State Energy Code definitions which differentiates between residential buildings with three stories or less (referred to as “low rise”) and multi-family and commercial buildings with four or more stories, where the commercial energy code applies. She also stated that the recommendation includes some phasing of code requirements that would give larger buildings additional time to come into compliance with an effectively zero emission standard given the more complex systems and the necessarily longer permitting and construction timeline. She added that during the next code cycle, the Code Council will use its best efforts to adopt highly efficient State energy codes for both residential and commercial new construction that will be designed to achieve greater efficiency than the latest national model codes.

Co-Chair Harris suggested that it will be necessary to accelerate existing processes or find new ways to achieve the goals. Mr. Tebo emphasized that the timeline presented represents the current maximum efficiency given the regulatory framework.

Dr. Howarth also expressed his support for maintaining the language of the Draft Scoping Plan which was subject to a great deal of public comment and raised public health concerns surrounding the use of gas stoves for cooking.

In response to an inquiry by Gavin Donohue regarding New York City Local Law 97 and the notion that there are two separate codes, Mr. Addario clarified that the Uniform Building Code is effective Statewide except for New York City, the New York State Energy Code is effective Statewide including New York City, which is required to have an energy code that is at least as restrictive as the State code. Mr. Donohue encouraged the State representatives to reach out to New York City representatives to avoid duplicative regulatory processes.

In response to an inquiry by Gavin Donohue regarding the differences in cost between building retrofits among the different geographic regions of the State, Mr. Mas suggested that data exists that informs energy efficiency potential studies used to further inform program design that may address this inquiry and agreed to follow up.

Peter Iwanowicz suggested phrasing to make it clearer that the recommended prohibition is regarding the use of gas and oil equipment, rather than the more generic reference of “fossil fuel”.

In response to an inquiry by Anne Reynolds regarding whether the recommended adjustment in the code effectiveness date needs to be addressed in the Integration Analysis, Mr. Mas confirmed that there was no large impact in that the bulk of the work is in existing buildings, despite the importance of addressing new construction standards.

In response to an inquiry by Anne Reynolds about the substantive differences between the 2021 Code and the 2024 Code, Mr. Addario confirmed that there are many benefits to the 2024 version including energy efficiency, improvements regarding low-GWP refrigerants, energy storage systems, photovoltaic systems, increased resiliency, as well as updated standards requirements.

Donna DeCarolis clarified that the vote on the Draft Scoping Plan was unanimous to advance it for public comment, but was not a unanimous vote on its contents.

In response to an inquiry by Dennis Elsenbeck regarding how energy storage, particularly the vast array of available battery technology and chemistry-based systems, will be addressed in newer version of the code and whether product vendor input will be included, Mr. Addario offered that, for the 2024 Model Code, it is a national process with a lot of the vendors and manufacturers involved in the update process and that energy storage systems were actually addressed in the 2021 Code in an attempt to continue to update for new, constantly changing technologies.

In response to an inquiry by Rose Harvey on how to reconcile community input that might be contrary to what the Climate Action Council is recommending, Mr. Tebo explained the process of synthesizing public input that is then passed along to the Code Council Members for decision making and represents a high-level approach to that input that resonates.

In response to an inquiry by Dr. Shepson as to the actual impact of the recommendation of Code enforcement beginning in year 2025, Mr. Mas emphasized that the bulk of the transformation in the near-term will be in existing building stock, despite that the Building and Energy Codes are critical for the transition of building stock over time.

Mario Cilento expressed his gratitude for the presentation on the process and defers to the experts on this updated Code process.

### **Integration Analysis Update**

Carl Mas, Director, Energy and Environmental Analysis, NYSERDA, presented information on the recent New York Independent System Operator Resources and System Outlook Report which was compared to the Integration Analysis that has been presented over the past year. He focused on the different cases compared in the two efforts, the key similarities in inputs and assumptions, and the key model differences. The Integration Analysis focused on its Scenario 2, a “super-zonal capacity expansion model” which depicts how electric capacity may grow or change over time. The New York Independent System Operator also conducted a capacity expansion model, with production cost modeling.

Mr. Mas walked through a comparison of the 2030 results for both efforts, stated that both are overall well-aligned. Both studies see substantial buildouts of offshore and onshore wind, solar and storage by year 2030, with electric load met primarily by zero carbon resources. As for 2040 results, both scenarios remain similar with both showing a substantial build out of wind, solar, storage and over 20 gigawatts of zero carbon firm resources. However, the New York Independent System Operator shows a slightly higher overall resource build. Mr. Mas is pleased with the amount of similarity of the key takeaways and noted some interesting learnings from the work of the New York Independent System Operator. He noted that the two teams will be engaging in the coming years on this work.

In response to an inquiry by Dr. Howarth regarding 2040 and the basis for the lower generation capacity in the New York Independent System Operator effort, Mr. Mas stated that curtailment and potentially the underlying assumptions are the likely factors. Dr. Howarth emphasized the need to pay close attention to how demand is managed system-wide, such as that which may materialize with the increased use of electric vehicles.

In response to an inquiry by Gavin Donohue regarding the need to develop new technologies in order to meet the goals of the Climate Act, specifically who and when zero-carbon firm resource capacity and generation will be defined, Mr. Mas agreed that further elaboration is necessary.

In response to an inquiry from Donna DeCarolis regarding the differences between the New York Independent System Operator Scenario 1 and Scenario 2 efforts for purposes of gauging electric system reliability, Mr. Mas explained that the Scenario 1 effort was modeled as an “unmanaged” scenario representing a worst-case benchmark and somewhat aligns with work previously presented on the Integration Analysis. Mr. Mas confirmed that both managed and unmanaged scenarios are valuable information to be included in a Final Scoping Plan as it shows the value proposition of the success of certain new energy efficient technologies.

Mr. Falcone offered a reminder of previous discussions on zero-carbon firm resources, the need for a reliable electric system, and discussions of some potential options, such as hydrogen, to meet the need. However, he also suggested that future forecasting for 2035 will be challenging based on 2022 information, citing the unlikely ability to have predicted today’s large increase in offshore wind resources that have materialized over the past five years. Rather, he stressed the need to make much progress over the next five years and that no possible solutions should be ruled out. In response, Mr. Donohue added to his earlier statements that he seeks a determination on which technologies would be considered compliant with the Climate Act and what market signals and market infrastructure would need to be in place to attract that type of investment within the State in a timely manner so as to not lose a competitive edge.

In response to a comment from Dennis Elsenbeck regarding the coordination and potential reconciliation between the Integration Analysis effort and that of the New York Independent System Operator, Mr. Mas agreed to follow up individually to address that inquiry. Mr. Elsenbeck also cautioned about real time data on new technologies, indicating that some recent outputs require greater investigation.

### **Discussion of Feedback by Topic**

#### *Electricity*

Jessica Waldorf, Chief of Staff and Director of Policy Implementation, NYS Department of Public Service, presented public feedback received and staff recommendations for the Electricity chapter. This Chapter in the Draft Scoping Plan includes 10 specific strategies within three key themes: transforming power generation, enhancing the grid, and investing in new technology. Public comments were generally supportive of the Chapter and themes included:

- Renewable energy siting and interconnection that focuses on minimizing impacts to farmland, rural communities, forests, and disadvantaged communities, and setting a procurement schedule to ensure procurement goals are met
- Phasing out fossil fuel power generation infrastructure, including a ban on bitcoin mining and reusing existing fossil fuel power plant sites for battery storage or low-carbon fuel networks, support and opposition to nuclear generation, and continuing the Tier 2 program to support existing hydropower and renewables to ensure baseline renewable generation

- Maintaining grid reliability and increasing resiliency to extreme weather and other events during and after decarbonization, including the importance of coordinating with the NYS Reliability Council and the New York Independent System Operator in reliability review and planning
- Prioritizing community engagement and renewable energy development and fossil fuel plant closure in Disadvantaged Communities, paired with climate education and better coordination of the Home Energy Assistance Program, the EmPower Program, the Heating Equipment Repair and Replacement Program, and expanded bill payment assistance programs, with a preference for grants over tax credits
- Improved and better coordinated transmission development and planning and renewable energy integration involving utilities and the NYS Public Service Commission, prioritizing local and bulk grid improvement and developments to meet Climate Act goals; and
- Market-based strategies that focus on zero-emission dispatchable generation, redesigning incentives for renewable energy development, evaluate the potential for extreme price volatility during the clean energy transition, comprehensive cost analyses, and advocating for energy market reforms.

Ms. Waldorf noted four unresolved Climate Justice Working Group comments as:

- Support for the retirement of fossil fuel fired generation facilities and a moratorium on permitting of new fossil fuel plants, with staff noting a moratorium was not recommended because the Power Generation Advisory Panel did not reach consensus on the issue
- Investment in transmission and distribution infrastructure through a justice-oriented lens, with staff noting the Draft Scoping Plan already calls for expansion of the transmission and distribution systems and increasing the pace of processing interconnection applications
- Increasing New York Independent System Operator transparency and information dissemination regarding efforts to improve reliability and resiliency, as well as targeting storm hardening infrastructure to historically burdened communities, with staff responding the Draft Scoping Plan recommends that power system studies and planning should consider analyses to integrate climate change impacts and improve reliability and resiliency to extreme weather events; and
- Concern related to alternative fuels such as green hydrogen, RNG, biofuels and biomass, and waste-to-energy, leading to more localized pollution in Disadvantaged Communities, as well as the environmental and health concerns of the lifecycle of nuclear, with staff responding the Draft Scoping plan specifically calls out that Disadvantaged Communities will not see an increase in co-pollutants or a reduction in air quality as a result of the use of advanced fuels.

Ms. Waldorf presented the Staff recommendations as including:

- The responsible and equitable phase out of fossil fuel generation facilities by adding and clarifying text regarding the potential repurpose of fossil fuel generation facilities, coordinating with the New York State Reliability Council and the New York State Independent System Operator in the reliability planning process, prioritizing the retirement or

repurposing of fossil fuel generating facilities in Disadvantaged Communities, and maintaining energy affordability and reliability during decarbonization.

- Streamlining siting, permitting and interconnection by clarifying language regarding enhanced coordination among State agencies having permitting jurisdiction, prioritizing the use of existing developed land for renewable energy siting to minimize the impact on farmland, forests, and other cultural resources, and developing a comprehensive agrivoltaics program.
- Enhancing community engagement and education including language on the need to enhance coordination on various State bill payment assistance and energy efficiency incentive programs and to assess ways to minimize rate impacts.
- Coordinated transmission planning by emphasizing the importance of cost-effective local transmission and distribution electrical system upgrades, strategic energy storage in coordinated transmission planning
- Emphasizing the importance of maintaining energy system safety and reliability and resiliency against extreme weather events and evaluating the barriers and level of support needed for repowering and maintaining existing renewables, while also identifying, developing and evaluating the zero-emission dispatchable generation technology necessary to meet the 100 percent by 2040 Climate Act goal.
- Including more detail on procurement, costs, standards and benefits of renewable energy investments and labor standards, workforce development, and targeted training programs.

In response to an inquiry from Dr. Shepson as to the definition of “energy affordability”, Ms. Waldorf responded that the Gas System Transition Subgroup defined it to be consistent with NYS Public Service Commission policy which ensure that consumers don’t suffer from more than 6% of their income on their energy burden.

In response to a comment and inquiry from Raya Salter regarding energy affordability, believing that using the word “maintaining” is a misnomer given her belief that New York is among the most expensive energy cost states, and whether the Inflation Reduction Act opportunities have been considered to reduce energy affordability burdens, Ms. Waldorf responded that the recommendations do address the possibility of price volatility, including the potential for federal funding to mitigate price volatility. Mr. Mas noted that the final Integration Analysis will include references to the potential opportunities from the Inflation Reduction Act within each of the sectors. Ms. Salter noted the importance of keeping equity and justice at the center of the price volatility considerations.

Ms. Salter stated her belief that the current Scoping Plan text does not reflect the true policy and scientific consensus around where the use of renewable natural gas, hydrogen in pipelines is regarding health, affordability, leak risk and cited a recently announced plan for National Grid to explore hydrogen use.



Anne Reynolds recommended clarifying the recommendation on achieving the 70 percent by 2030 goal to include that the “70 percent” is intended to represent renewable energy, and including the New York Independent System Operator in interconnection recommendations. Ms. Waldorf responded that she believes these to be addressed, but will confirm.

In response to inquiries from Ms. Reynolds as to whether an updated benefit cost analysis will be conducted in concert with the NYS Public Service Commission Clean Energy Standard review for the sake of efficiency and if Inflation Reduction Act funding will be sought for zero emissions dispatchable energy resources, Ms. Waldorf responded that the cost analysis will consist of clarifications, and that federal funding for the research on emerging technologies is being sought to supplement that which is being undertaken already by the State.

Gavin Donohue believes that the recommendations for this chapter delay the decision of addressing existing renewable energy technology issues, which technologies will be pursued and seeks clarification on whether it is the NYS Public Service Commission or the NYS Department of Public Service that has the obligation to identify zero emission for electricity generation. Ms. Waldorf clarified that the Climate Act identifies the NYS Public Service Commission as the responsible entity, and her intent was to identify other State agencies that would address some aspects of this work so that the responsibilities were clearly presented.

In response to an inquiry from Peter Iwanowicz as to whether the NYS Department of Environmental Conservation should be added to the agencies that will also be reviewing this work, Co-Chair Harris suggested the references could certainly be added.

In response to an inquiry from Donna DeCarolis if the winter heat peak could be partially mitigated through a dual-heat pathway as discussed for building decarbonization, and whether natural gas will be included in the Inflation Reduction Act benefits to be reviewed, Ms. Waldorf responded that in previous Integration Analysis and building presentations, dual-heat pathways were discussed as a method for mitigating winter peak. She added that final decisions on Inflation Reduction Act funding have not yet been made, however, access to alternative fuels will be considered. Ms. DeCarolis also noted that fuel blending is occurring in other parts of the country and that analyzing possible uses for alternative fuels will include reviewing the best available science to avoid negative outcomes and adverse health effects.

Dr. Howarth noted that peer reviewed research regarding mixing hydrogen into existing natural gas pipelines is a relatively new concept, yet peer reviewed reports and studies overwhelmingly recommend against the practice.

Gavin Donohue agreed with Peter Iwanowicz’s recommendation for NYS Department of Environmental Conservation to be referenced in reviewing the determination of zero emission. He also inquired as to whether, or to what degree, the Final Scoping Plan will include continuing nuclear power generation in the State. Ms. Waldorf responded that review of the nuclear generation program is included in the Scoping Plan, and it is recommended that it occur before the zero-emission credit program expiration in 2029. Co-Chair Harris also noted the Integration Analysis team has been tasked to review nuclear power and its potential, including in zero-emission technologies, and is slated to be discussed at a future meeting.

In response to an inquiry from Dennis Elsenbeck as to whether micro-grids have been considered as a fulsome solution to the electric grid issues surrounding full electrification and decarbonization, Ms. Waldorf responded that micro-grids and district systems are included in the recommended Scoping Plan language, including that NYSERDA work with utilities and campuses to enable the development of micro-grids and district systems. There are also recommendations for research on district thermal systems, and additional conversations on this topic are welcomed. Mr. Elsenbeck recommended an eye toward market players and forces, as well as the utilities, to ensure a thorough examination. Dr. Shepson voiced his support for this recommendation.

In response to a clarifying question from Raya Salter regarding the earlier discussion of nuclear power generation, Co-Chair Harris clarified that her request was not with the assumption that nuclear energy will be a part of the zero-emission future, but rather requested the team to examine the impacts of nuclear energy on the Integration Analysis to increase the data made available to the Council. Ms. Salter requested that any Integration Analyses not include technologies that are counter to the Climate Act.

### *Climate Justice*

Sameer Ranade, Climate Justice Advisor, NYSERDA, presented feedback on the Climate Justice chapter, noting that any comment received that referenced climate justice was categorized as a climate justice comment, many of which were addressed by other subgroups, and these comments have been previously presented to the Council. Summary themes of the climate justice specific comments included recommendations to:

- incorporate environmental justice in air quality and energy policy
- create an inclusive, living wage earning green workforce
- avoid wasteful consumption of natural resources; and
- consult with Indigenous Nations.

In addition to those climate justice recommendations addressed in other chapters, Staff recommends the following additional clarifications and updates to the Climate Justice Chapter:

- further clarify the need for climate justice within the Scoping Plan
- demonstrating the intent and ability of the State to address hot spots and achieve clean air through a multi-faceted government approach, such as through the NYS Department of Environmental Conservation air quality regulation and NYSERDA Clean Energy Hubs; and
- an agency or authority leading implementation of a Scoping Plan strategy to meaningfully engage with sovereign Indigenous Nations in accordance with their consultation processes to implement rulemakings, planning, and investment strategies.

In response to an inquiry from Gary Ginsburg, Director for Environmental Health, NYS Department of Health as to whether aggressively weatherizing homes in Disadvantaged Communities was included in the Scoping Plan along with a recommendation to simultaneously upgrade housing stock to mitigate mold and other toxins, Mr. Ranade stated a holistic approach to weatherization was addressed in the *Disadvantaged Communities Barriers and Opportunities Report*, and clearer language will be included in the Scoping Plan.

In response to an inquiry from Chair Christian as to whether there is any coordination with U.S. Housing and Urban Development regarding the Disadvantaged Community housing stock, and whether there has been discussion of mobile air monitoring in high vehicle traffic areas, Mr. Ranade responded that will follow up. Mr. Ranade confirmed that mobile air monitoring is part of the current effort. Adriana Espinoza, Deputy Commissioner for Equity and Justice, NYS Department of Environmental Conservation, stated there are currently mobile air monitoring stations embedded within ten Disadvantaged Communities across the State where data will be collected for one year leading to appropriate mitigation actions, to be determined with the individual communities.

In response to support from Raya Salter regarding the inclusion of an environmental health metric in Disadvantaged Communities and her recommendation for it to provide as much granularity as possible, Mr. Ranade responded that the project is underway and being discussed with the Climate Justice Working Group in addition to methods by which multiple cumulative impact factors can be combined and measured to determine the overall health impacts of decarbonization which will be outlined in the Disadvantaged Community benefits framework.

Dr. Shepson stated that one of the benefits of the Climate Act work is to provide an inspiration for others and he is heartened that New York State is a leader. He added that it is important to remember that air emissions are often upwind and there should be an eye toward working with other states to encourage them to follow New York's lead and to work in partnership.

In response to an inquiry from Dennis Elsenbeck as to whether there is a brownfield remediation plan in concert with clean siting for renewable energy, and a second inquiry as to when the Disadvantaged Community benefits framework will be made available to the Council, Mr. Ranade responded that the NYSERDA Build Ready program is already in place to transition currently suitable sites, including brownfields, into renewable energy generation sites, and welcomed any additional suggestions. Co-Chair Seggos noted the Disadvantaged Communities' benefits framework is currently in draft form. However, one criterion for a Disadvantaged Community is local pollution burdens, and Ms. Espinoza added that proximity to brownfields is another criterion that is examined. Kisha-Santiago Martinez, Deputy Secretary of State, Planning, Development and Community Infrastructure, NYS Department of State also noted that the Department of State has also accelerated the amount of designated brownfield sites through an effort to make them available for State funded remediation.

In response to an inquiry from Peter Iwanowicz as to when the Council will receive the Climate Justice Working Group feedback on the Economy-wide Strategies Chapter, Jared Snyder, Deputy Commissioner, Climate, Air and Energy, of NYS Department of Environmental Conservation responded that they are working with Climate Justice Working Group to schedule a feedback session on the Economy-wide Subgroup proposals presented to the Council in September and seek to bring this feedback to the Council in November. Mr. Iwanowicz also noted his understanding that the Disadvantaged Community criteria would not be completed until April 2023, and asked how best to synthesize the work of the Council to ensure it aligns with the criteria, Alanah Keddell-Tuckey, Director of the Office of Environmental Justice, NYS Department of Environmental Conservation responded that while April 2023 is a hard deadline, there is an effort to complete the map by the first quarter 2023 at the latest.

## Next Steps

Sarah Osgood, Executive Director, Climate Action Council, noted there will be a rolling schedule of review, editing, and discussion of proposed edits for the month of November, with the intent to cover seven to eight Chapters at each November 2022 meeting. Small group meetings that lack a quorum of Members will be held throughout November prior to full Council discussion to ensure adequate review. For transparency, recordings of these sessions will be posted to the Climate Act website. It is the intent to finalize outstanding items on the Draft Scoping Plan edits at the December 5, 2022 meeting, with final voting and individual statements slated for the December 19, 2022 meeting.

In response to an inquiry from Dr. Howarth as to whether every chapter would be discussed during the small group meetings, Ms. Osgood responded that the intent was to cover the chapters with particularly fulsome discussion points among the members, and that if any chapter is not discussed during the small group meetings another mechanism will be found for discussion before it is covered in the full Council meeting. Dr. Howarth and Peter Iwanowicz also suggested live streaming the small group meetings, if possible.

In response to an inquiry from Raya Salter as to whether items that have been settled during the Subgroup and Council meetings, such as specific wording, would be discussed again, Ms. Osgood noted the hope that the Council would not lose the progress made, but that everything is open for discussion. Co-Chair Harris also noted that given the very tight timeframe for finalizing the Scoping Plan, focusing on discussing outstanding items would help the Council meetings to be more succinct.

In response to an inquiry from Dennis Elsenbeck as to whether the definition of “benefits” has been established so the Council can determine where the funding earmarked for Disadvantaged Communities will be specifically allocated, Ms. Osgood responded she does not believe that is a discussion item for the Council to consider. Co-Chair Seggos noted that is something the Climate Justice Working Group is working on and a robust discussion of the metrics and how the State will track them will likely materialize in the new year.

In response to an inquiry from Donna DeCarolis as to whether the public comments will be posted for public review, Sarah Osgood responded that Staff is in the process of removing personal information prior to posting and encouraged Members who would like to review the comments to do so.

With that, the meeting was adjourned.



KATHY HOCHUL  
GOVERNOR

DOREEN M. HARRIS  
CO-CHAIR

BASIL SEGGOS  
CO-CHAIR

## Meeting Agenda

October 25, 2022

- Welcome
- Consideration of September 29, 2022, Minutes
- Consideration of October 13, 2022, Minutes
- Integration Analysis Update
- Discussion of Feedback by Topic:
  - Electricity
  - Climate Justice
- Next Steps