

# New York State Climate Action Council

December 5, 2022  
Meeting 30



**Climate Action  
Council**

# Agenda

- > Welcome and Roll Call
- > Consideration of November 7, 2022, Minutes
- > Co-Chair Remarks and Reflections
- > Discussion of Potential Edits to Draft Scoping Plan Chapters
- > Next Steps

# Consideration of November 7, 2022, Minutes

# **Co-Chair Remarks and Reflections**

# Recent Announcements

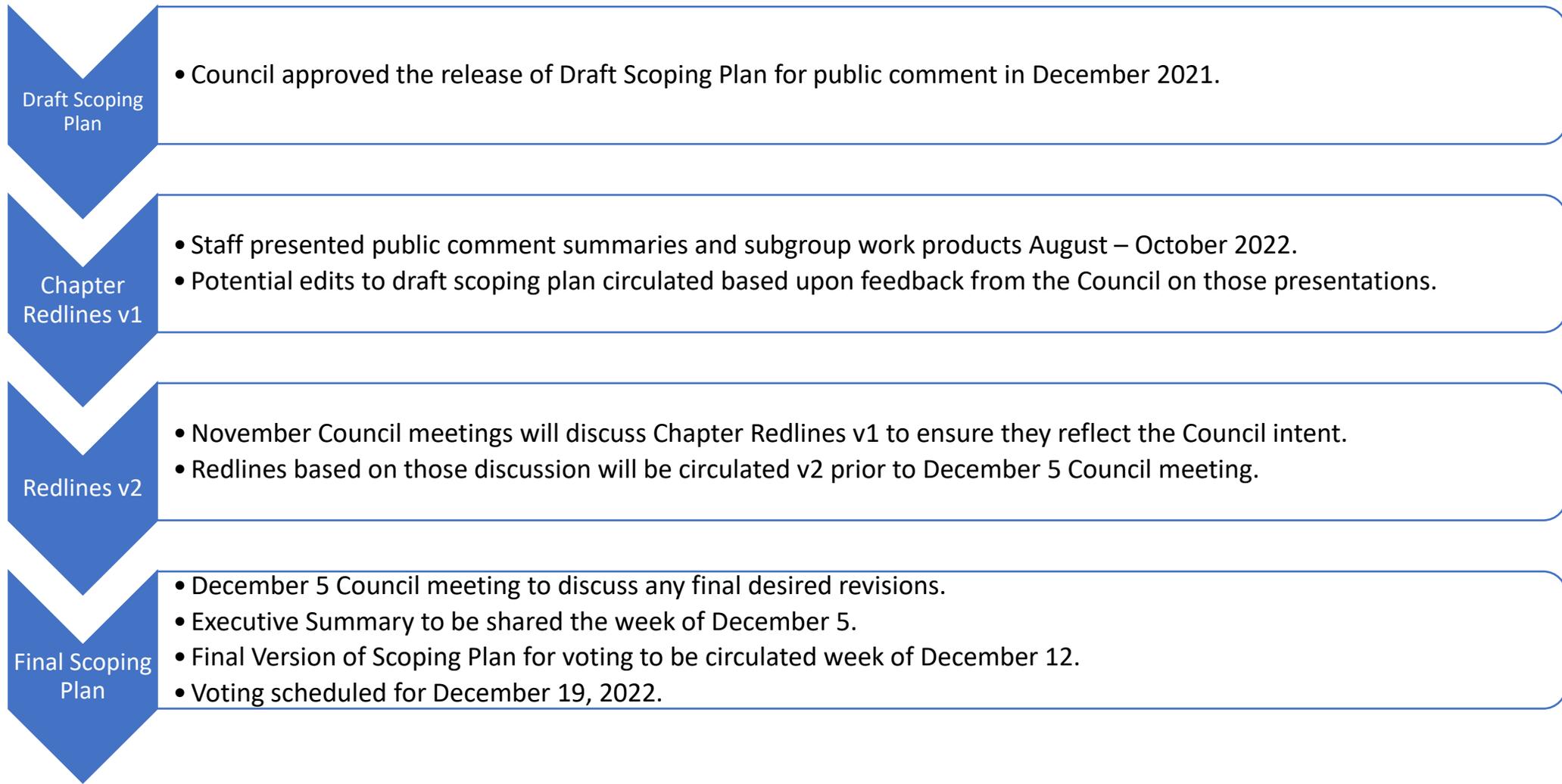
## Recent Activity from New York State

- Governor Hochul signed two-year moratorium on proof-of-work cryptocurrency mining in New York State.
- Upcoming DEC community air monitoring quarterly meetings - [DEC to Hold Community Meetings on Progress of Statewide Air Monitoring Initiative - NYS Dept. of Environmental Conservation](#)
- **Nov. 30** - [Governor Hochul Announces Start of Construction on 339-Mile Champlain Hudson Power Express Transmission Line to Bring Clean Energy to New York City | Governor Kathy Hochul \(ny.gov\)](#)
- **Nov. 29** - [Governor Hochul Announces Record Level of Clean Energy Jobs Reached in New York State | Governor Kathy Hochul \(ny.gov\)](#)



# **Discussion of Potential Edits to Draft Scoping Plan Chapters**

# Process of Revising Draft Scoping Plan



# **Chapter Revisions: Overview (Chapters 2–4)**

## Summary of Changes

### Chapter 2. The Time is Now to Decarbonize Our Economy

- Editorial changes to improve chapter flow, grammar, etc.
- Removed Global Climate Projections section to increase focus on NYS.
- Added a text box with hydrogen definitions from the alternative fuels subgroup (Green and Low Carbon Intensity).

### Chapter 3. New York's Climate Leadership

- Updates to improve chapter flow.
- The updates were primarily in section "3.2 Overview of New York's Climate Policies," including a reference to the passage of the Bond Act and the "green amendment".
- Updated legislative, executive, and regulatory actions from 2021 including: EO22, Extreme Heat Action Plan, Advanced Clean Cars/Trucks regulations, Utility Thermal Energy Network and Jobs Act, Advanced Building Codes, Low Carbon Concrete, etc.

### Chapter 4. Current Emissions

- As 2020 values have not been finalized and 2020 emissions data for some sectors are anomalous due to the COVID19 global pandemic, emissions values from the 2021 annual GHG emissions report are retained.
- Added context surrounding anomalous 2020 emissions data due to the economic impact of the COVID-19 pandemic and that numbers are expected to normalize by 2021.

# **Chapter Revisions: Pillars of Action (Chapters 5–8)**

## Summary of Changes

### Chapter 5. Overarching Purpose and Objectives of the Scoping Plan

- Editorial changes to improve chapter flow, grammar, etc.
- Added updates to the Process for Development including results of the public comment period.
- Added a text box defining fossil natural gas.
- Added a text box describing the difference between RNG and biogas.
- Added text on economic development opportunities for New York associated with Plan strategies.

### Chapter 6. Achieving Climate Justice

- Clarified Climate Act requirement to not disproportionately burden DACs when issuing administrative decisions.
- Re-inserted sentence that references section 7(3) w/r/t agency decision-making.
- Added economic development and jobs as important benefits from investments in DAC.

## Summary of Changes

### Chapter 7. Just Transition

- Added language on maximizing assistance from the federal government for new technology and grid infrastructure investments.
- Added detail on specific support benefits the State should provide and coordinate for displaced workers.
- Added language to state "the State should enact measures to ensure any worker who loses their job...be reemployed with the same or better wages," etc. Also included language that recommends jobs created through this Plan be "good, family-sustaining, union" jobs.
- Added language that the State should apply robust labor standards across all sectors and projects; during implementation, public entities should consider sector- and project-specific characteristics and tailor accordingly.
- Added detail to "Ensuring Labor Standards" section to state that they should include prevailing wage requirements, PLAs, labor peace agreements, and employer neutrality agreements, etc.; and to state that these requirements should apply across work categories (construction, operations, maintenance, and repair activities).
- Added detail to "Targeted Financial Support for Businesses and Related Entities" section (support should include bonding, insurance programs, public financing, etc.)
- Added detail w/r/t training curricula/programming to recommend that programming draw from collaboration between NYSERDA, DOL, and existing apprenticeship programs in addition to local contractor networks.
- Added reference to Dept of Civil Service under "General Considerations" to ensure "directly involved in collaboration and engagement".
- Added detail to section on recommendation for an "Office of Just Transition" including that the office work with DOL to actively track displaced workers, conduct skills assessments, and facilitate training to equip workers; & help provide transitional employment benefits.
- Added recommendation to leverage Buy American and NYS preferences to mitigate economic leakage, drive high-road job growth.

## Summary of Changes

### Chapter 8. Public Health

- Added reducing worker injury and illness as a goal of the Prevention Agenda.
- Added text on the effect of climate change on workers.
- Clarified work of the DOH Office of Health Equity and Human Rights.
- Several additional comments on health concerns associated with renewable energy (e.g., leaching from disposal of solar panels, EV batteries).
- Added a text to describe the difference between biodiesel and renewable diesel.
- Added context around potential harms from combustion of natural gas stoves in homes, as well as indoor air quality concerns from cooking in general, regardless of heat sources; Notes the importance of ventilation.
- Added more detail on particulate matter emissions from wood smoke associated with fireplaces/fireplace inserts.

**Chapter  
Revisions:  
Evaluation of the  
Plan  
(Chapters 9 & 10)**

## Summary of Changes

### Chapter 9. Analysis of the Plan

- Information was updated to align with the latest information available (e.g., Statewide GHG Emissions Report, key technology and fuel price forecasts, etc.).

### Chapter 10. Benefits of the Plan

- Key costs and benefit findings were updated based on the latest work, including the IRA.
  - Added estimated impact of the federal Inflation Reduction Act, stating that the Act will reduce net direct costs by up to \$70 billion through 2050 and reduce incremental costs to New Yorkers by up to 19%.
- New Section 10.4 - 2022 Cost Sensitivity Analysis (includes IRA).
- Section 10.5 - Health Effects was updated to reflect changes in energy consumption in the Integration Analysis scenarios (except detailed electricity sector modeling, which was not repeated).
  - The potential change in health benefits is relatively minor, approximately 0.4% of total health benefits.

**Chapter  
Revisions:  
Sector Strategies  
(Chapters 11–16)**

## Summary of Changes

### Chapter 11. Transportation

- Added a sector-spotlight table on including key job impact findings based on job impact data from the Jobs Study.
- Updated stats on NYS funding for transit.
- Added "affected workers and unions" to the list of key stakeholders for transportation strategies.
- Added note that the labor standards discussed in Ch. 7 Just Transition apply throughout the Scoping Plan, including this chapter, as a means of promoting good, family-sustaining, union jobs and achieving a true just transition.
- T1. Added "on-street charging" as a focus of the recommendation to invest in ZEV charging/infrastructure.
- T3. Added shared mobility, micro-mobility/micro-transit to the recommendation related to community-based service enhancements.
- Added clarification that, at least in the early years, a clean transportation standard, would support alternative fuels such as bioenergy and hydrogen that can demonstrate reductions in GHG and co-pollutant emissions.
- Clarified aspects of the clean transportation standard recommendation in response to CAC and CJWG, including a recommendation to ensure the program prioritizes co-pollutant reductions in DACs.

## Summary of Changes

### Chapter 12. Buildings

- Edits to overview to more closely align need for/role of heat pumps with integration analysis modeling.
- Clarified language around coldest regions in NY w/r/t heat pump designs and potential need for supplemental heat.
- Added a sector-spotlight table on including key job impact findings based on job impact data from the Jobs Study.
- Added emphasis on State Agency collaboration, including the DOL and Office of Just Transition to promote workforce development.
- B2. Added consideration of the ability of the electricity system to meet demand with widespread electrification when considering fossil fuel equipment phase out.
- B4. Clarified need for building envelope sealing and weatherization.
- B6. Clarified meaning of "clean" thermal energy network; ensured alignment with statute.
- B7 and B10. Added component to support innovation w/r/t economic development (expand in-State businesses/manufacturing/etc.).
- B8. Added labor unions and registered apprentice ships to Target Workforce Segment table.
- Added minimizing leakage from existing equipment to the phase down of HFCs.
- Added note that the labor standards discussed in Ch. 7 Just Transition apply throughout the Scoping Plan, including this chapter, as a means of promoting good, family-sustaining, union jobs and achieving a true just transition.

## Summary of Changes

### Chapter 13. Electricity

- Added a sector-spotlight table on including key job impact findings based on job impact data from the Jobs Study.
- Added text on protecting the existing renewable fleet.
- Added text on Section 7(3) of the Climate Act.
- E1. Revisions to resource planning to clarify this is a recurring and statewide process.
- E1. Strengthened text on assessing and minimizing impact on the current workforce when retiring fossil fuel fired facilities, consistent with Ch. 7 Just Transition.
- E2 and E5. Clarified that microgrids should be zero-emission and added text on the potential for zero-emission microgrids to enhance resiliency and local system reliability, reduce grid congestion, and increase system efficiency.
- E3. Emphasized the need to evaluate the potential of non-infrastructure or non-wire alternative that could potentially delay or eliminate the need for conventional infrastructure investments. Added that REDCs should participate in planning processes to identify such sites in Disadvantaged Communities and rust belt communities.

## Summary of Changes

### Chapter 13. Electricity Cont.

- E3. In addition to addressing rooftop and parking lot solar permitting, carport solar was also included.
- E3 and E7. Added economic development as a component.
- E6 and E9. Emphasized need for modeling for better demand-side management of electricity.
- E9. Added that the BCA should consider integration analysis scenarios discussed in Ch. 12 – Buildings that outlines building improvements needed and areas where backup heat sources may be needed.
- E9. Added specifics around the forecasted need in electric generation capacity in 2040 as compared to the electric system capacity in 2022.
- E10. Aligned language w/r/t alternative fuels with other chapters and resolution from the subgroup (RNG for strategic uses; analysis of emissions and health impacts; avoid localized pollution in DACs).
- E10. Added the need to consider the time needed for potential federal and State relicensing when evaluating the role of nuclear generation.
- Added text on investment in training and retraining workforce, being responsive and supportive of workforce development needs, and supporting applicable labor standards and the promotion of equitable-access to family-sustaining (including union) jobs, consistent with Ch. 7 Just Transition.

## Summary of Changes

### Chapter 14. Industry

- Added a new footnote and a new call-out box with additional detail and information defining energy- and emission-intensive industries and trade-exposed industries.
- Clarified role of alternative fuels in the industry sector (i.e., that it is not a substitute for electrification, where appropriate).
- Added "affected workers and unions" to the list of key stakeholders, as well as DOL and the Office of Just Transition.
- Added note that the labor standards discussed in Ch. 7 Just Transition apply throughout the Scoping Plan, including this chapter, as a means of promoting good, family-sustaining, union jobs and achieving a true just transition.
- 13. Added consideration of displaced workers when expanding training capacity.
- 16. Added coordination with REDCs to identify sites in Disadvantaged Communities and rust belt/legacy cities with strong potential for revitalization and attracting green economy business investment in these areas.

## Summary of Changes

### Chapter 15. Agriculture & Forestry

- Added "affected workers and unions" to the list of key stakeholders.
- Added context around expectations for carbon sequestration by forests due to climate change.
- AF3. Added small land parcels/forests to encourage their protection/restoration.
- AF4. Added the pressure landowners have been facing to convert forests to other uses such as agriculture.
- AF6. Noted that additional efforts to monitor forest carbon are ongoing throughout NYS and the northeast.
- AF8. Clarified use of biogas/RNG to align with the rest of the Plan/findings from the subgroup (e.g., limited supply should be targeted to strategic uses).
- AF8. Added that NYSERDA, DPS, and utilities should identify energy pricing models and conduct a market-based study for waste-generated biogas including consideration of avoided emissions to align with Waste chapter.
- AF9, AF10, AF11, AF12. Clarified that AGM should work with Cornell CALS and other partners to implement the strategies.
- AF10 and AF13. Added context around climate change impacts to farmland and watersheds with regard to soil and nutrient losses and emphasized that the State should increase outreach on the benefits of nutrient management.
- AF11. Added that research and trials should continue to determine the efficacy of perennial grains systems in NYS.
- AF19. Edited recommendation to develop a Sustainable Biomass Feedstock Action Plan to more closely align with other recs in the Scoping Plan and what is modeled in the integration analysis.
- AF21. Added that creating market value for low-grade wood products can incentivize forest owners to manage their forests in a way that increases sequestration.

## Summary of Changes

### Chapter 16. Waste

- Added reference to the need for a circular economy approach to materials management.
- Clarified language around permits and permit renewals for solid waste combustion facilities and the requirement to comply with CLCPA section 7.
- Added "affected workers and unions" to the list of key stakeholders.
- Added note that the labor standards discussed in Ch. 7 Just Transition apply throughout the Scoping Plan, including this chapter, as a means of promoting good, family-sustaining, union jobs and achieving a true just transition.
- Cross referenced strategy E10 on the determination of zero emissions for electricity from waste management.
- Revised title of refrigerant 'diversion' strategy to 'refrigerant leak reduction and destruction'.
- Added language around the need for a shift in consumer behavior to achieve waste reduction strategies
- W4 and W9. Clarified use of biogas/RNG to align with the rest of the Plan/findings from the subgroup (e.g., limited supply should be targeted to strategic uses).
- W4. Emphasized that self-supply of energy needs should be incentivized, particularly when it provides additional capacity for electrification elsewhere, focusing on Disadvantaged Communities.
- W7. Added component under strategy to reduce fugitive emissions from WRRFs regarding co-pollutant control, stating the State should use regulations, monitoring, and enforcement to reduce the impact of co-pollutants associated with WRRFs.

**Chapter Revisions:  
Statewide and Cross-  
Sector Policies  
(Chapters 17–21)**

## Summary of Changes

### Chapter 17. Economywide Strategies

- Added detail on the CAC subgroup decision-making process to reach determination that a cap-and-invest program is best, and that clean energy supply standards are best considered under sector-specific chapters.
- Clarified that emission caps should be enforceable.
- Clarified difference between this program and RGGI (i.e., electricity wouldn't be covered under both systems).
- Clarified that any allowance banking should be carefully limited/monitored to ensure NYS meets the emission limits.
- Added that investment could include providing wage and pension support for displaced workers.
- Added recommendation that benefits to LMI households not be designed in such a way that disqualifies them from other assistance.
- Added additional emphasis on prioritizing reductions, and assessing impacts in, Disadvantaged Communities.
- Aligned language on EITE definitions and leakage with industry chapter.
- Added detail to regional equity considerations (target investments with high FF dependency).

## Summary of Changes

### Chapter 18. Gas System Transition

- Ensured consistency with language around "strategically downsizing and decarbonizing" the "existing gas system".
- Clarified the role of RNG and H2 in the gas system transition planning process; aligned with integration analysis scenarios.
- Aligned with language/edits in the buildings chapter (e.g., extreme cold climates may require supplemental heat).
- Added text workforce retention plans as well as efforts described in *Chapter 7. Just Transition* to support a workforce to install, inspect, maintain, and operate energy system infrastructure is necessary to ensure a safe and reliable system throughout the transition.
- Added text referring to labor standards consistent with Ch. 7 – Just Transition, added emphasis on limiting negative impacts on workforce, and that displaced, trained, workers should be prioritized for new transitional work.
- Added example of recent positive marketing including geothermal heat pumps and other technologies and strategies to reduce GHG emissions.
- Added identifying strategic opportunities to retire existing pipelines as demand declines to prioritization of leak prone pipes strategy.
- Added electric generation owners, the Office of Just Transition, and other Council agencies to list of entities that should be consulted in development of the gas system transition plan.
- Added electric system readiness and economic development efforts, and workforce considerations to the Plan Framework.

## Summary of Changes

### Chapter 19. Land Use

- Added context and detail around how forestland acquisition and avoided land conversion could result in avoided GHG emissions
- LU2. Added statement on the needed workforce expansion for afforestation and reforestation from the Economic Impacts of Investing in Climate Mitigation in New York State Forests and Agriculture report.
- LU3. Clarified the distinctions between benefits of avoided forestland conversion and avoided farmland conversion
- LU4 and LU5. Clarified the coastal wetlands strategies work is on avoiding emissions releases from these habitats related to sea level rise
- LU5. Added cross reference to Ch. 15 – Agriculture and Forestry strategies on forest restoration and conservation.
- LU8. Clarified reference to CA Sustainable Communities law and how it could act as a model for NYS with regard to equitable TOD and smart growth.
- LU9. Added text on identifying opportunities to revitalize Disadvantaged Communities and legacy/rustbelt cities.
- LU9. Added cross reference to infrastructure investment strategies in Ch. 13 – Electricity.

## Summary of Changes

### • **Chapter 20. Local Government**

- Added/clarified language regarding the role of local governments in meeting Climate Act directives, including the need to ensure benefits for DACs that have been disproportionately impacted by inequitable past decision-making.
- Added language regarding the need to address energy efficiency in municipal codes/buildings/facilities.
- Included more specific updated statistics on the Climate Smart Communities program.
- LG1. Clarified community GHG dashboard recommendation to ensure alignment with GHG emissions accounting required under the CLCPA, ensure data privacy, and include labor representation and community benefits organizations.
- LG2. Emphasized the critical role of local government in enabling and promoting energy efficiency in communities.
- LG4. Renamed strategy to "Municipal Leadership to Support Clean Energy Adoption".
- LG4. Added strategy component on encouraging energy efficiency.

### **Chapter 21. Adaptation & Resilience**

- Clarified need to establish a public awareness campaign and educate K-12 students on the importance of climate change.
- Edited reference to the Bond Act to reflect its passage.
- AR9. Edited component to the strategy to ensure reliability, resilience, and safety of the energy system to reference the newly passed legislation that requires utilities to complete vulnerability assessments and submit climate vulnerability and resiliency plans to the PSC.

**Chapter  
Revisions:  
Measuring  
Success  
(Chapters 22–24)**

## Summary of Changes

### Chapter 22. Essential Elements

- Editorial changes to improve chapter flow, grammar, etc.
- Updated Federal Action section to reflect the most recent policies (e.g., Kigali Amendment, the Infrastructure Investment and Jobs Act, IRA, and the CHIPS and Science Act).
- Updated Federal Action Section to elaborate on Federal Resources to Support Climate Action and a Just Transition in New York that are in the Infrastructure Investment and Jobs Act, the IRA, and the CHIPS and Science Act.
- Added text on economic development planning related to scoping plan strategy implementation.

### Chapter 23. Reporting

- Editorial changes to improve chapter flow, grammar, etc.
- Added statement on measuring, tracking, and reporting investments, benefits, and positive outcomes for DACs associated with the Climate Act's requirements for clean energy and energy efficiency spending.
- Added statement on the need to ensure sufficient data collection by investing in information technology solutions for State entities to aid in reporting and quality assurance, and ensuring data is accessible and transparent to the public.

### Chapter 24. Future Work

- Editorial changes to improve chapter flow, grammar, etc.

# Next Steps

# Next Steps

## Council Meetings and Topics

Date and Time	Location	Topic
Monday, December 19, 1 – 5 pm	Empire State Plaza Meeting Room 6	Vote on Final Scoping Plan, member statements

## Final Draft of the Scoping Plan

- The final Scoping Plan text will be provided to Members in advance of the voting meeting on December 19 for their review.
- Co-Chairs of the Council may make non-substantive, editorial or grammatical changes deemed necessary for clarity or accuracy of the Scoping Plan (e.g., correcting footnotes) prior to its publication.
- The final Scoping Plan will be made available to the public shortly after the voting meeting on December 19 on the Climate Act website: <https://climate.ny.gov/>

# Voting

- > As discussed at the CAC Meeting on March 3, 2022, there is a preference to reach consensus on the Scoping Plan. Consensus recognizes that the Council members have worked in good faith to develop recommendations that, to the greatest extent possible, meet the interests of other Council Members and the interests of New Yorkers.
- > Vote on approval and adoption of the Final Scoping Plan requires a supermajority of at least 15 votes (as defined in Section 75-0103 of the Environmental Conservation Law).
- > Members will be asked to verbally declare their vote at the meeting on December 19, 2022.
- > Each member will have the opportunity to provide a brief verbal statement in support of their vote.

# Written Member Statements

- > Any Member may submit a brief written statement.
- > The statements are a chance for Members to reflect on the process and effort to create the Scoping Plan, and their voting decision.
- > Statements will be published on the Climate Act website along with the Scoping Plan.

# Scoping Plan Post Dec. 19 Vote

## > Scoping Plan

- Submit final Scoping Plan to the Governor, the speaker of the Assembly, and the Temporary President of the Senate and post plan on its website
- Update the Scoping Plan at least once every five years

## > Promulgation of enforceable regulations by DEC by January 1, 2024, to ensure achievement of the Statewide GHG emission limits

- Consultation with Council and CJWG and multiple other stakeholders, public workshops and hearings

## > If DEC decides to adopt an Alternative Compliance Mechanism, it would only be for purposes of achieving net zero emissions

- DEC would only do so through regulation, including a similar consultation process as above

## > Implementation Reporting

- DEC in consultation with the Council and CJWG shall, not less than every four years, publish a report which shall include recommendations regarding the implementation of greenhouse gas reduction measures.