

3.27.2023 CJWG Meeting

Meeting Commence 1:15pm

Disclaimer: **Please note this is not a word for word translation*

Agenda:

- Roll Call
- Vote on minutes from 1/24, 2/9 & 2/16 meetings
- Statutory Review
- Voting rules & process
- Proposed DAC criteria summary
- Review changes from draft criteria
- Vote for final DAC criteria
- Next steps

Panelist/CJWG Members:

- Alanah Keddell-Tuckey, EJ Director, Office of Environmental Justice, (DEC) Department of Environmental Conservation
- Adriana Espinoza, Deputy Commissioner for Equity and Justice, (DEC) Department of Environmental Conservation
- Chris Coll, Director of Energy Affordability and Equity Program, (NYSERDA) New York State Energy Research & Development Authority
- Sonal Jessel, Policy and Advocacy Coordinator, WEACTION for Environmental Justice
- Jill Henck, Clean Energy Program Director, (ANCA) Adirondack North Country Association
- Abigail McHugh-Grifa, Executive Director, Climate Solutions Accelerator of the Genesee-Finger Lakes Region
- Rahwa Ghirmatzion, Executive Director, PUSH Buffalo
- Elizabeth Furth, Empire Fellow, (DOL) Department of Labor
- Elizabeth Yeampierre, Executive Director, UPROSE
- Neil Muscatiello, Director of the Bureau of Environmental and Occupational Epidemiology, Center for Environmental Health, (DOH) Department of Health
- Eddie Bautista, Executive Director, NYC Environmental Justice Alliance
- Alex Dunn, Director, Illume Advising
- Emily Morris, Consultant, Illume Advising
- Andrea Linton, Public Participation Specialist, Office of Communication Services, (DEC) Department of Environmental Conservation
- Craig Pettinger, Public Participation Specialist, Office of Communication Services, (DEC) Department of Environmental Conservation
- Maureen Wren, Director, Office of Media Relations, (DEC) Department of Environmental Conservation
- Sunny Joshi, Senior Counsel, (NYSERDA) New York State Energy Research & Development Authority
- Tyler Hepner, General Counsel, (DEC) Department of Environmental Conservation
- Lisa Covert, General Counsel, (DEC) Department of Environmental Conservation

- Andrea Pedrick, Public Participation Specialist, Office of Communication Services, (DEC) Department of Environmental Conservation
- Wendy Rosenbach, Director of Public Affairs, Office of Communication Services, (DEC) Department of Environmental Conservation
- Tyler Picard, Project Manager Energy and Climate Energy, (NYSERDA) New York State Energy Research & Development Authority

Attendees Board Rooms:

Albany, NYC, Avon, Raybrook, Region 9

Quorum for today's meeting:

Quorum reached, can deliberate

Vote on Minutes

- Elizabeth Furth is not listed as present on the January 24th minutes. Change can be made before publishing.
- Minutes from meetings on 1/24, 2/9, & 2/16 will be approved with amendment to the January 24th meeting. Will be available on the CJWG website as soon as possible.

DAC Criteria Statutory Review

- Purpose of DAC Criteria
- 40% Benefits Goal
- Disadvantaged Communities Description

Voting Process

Outline of Voting Process

- Discuss each element of the DAC Criteria
 - The geographic definition
 - The individual household criteria
- CJWG members may propose alternative changes to indicators or methodology for discussion at any time before the final vote
- Vote for the final criteria
- CJWG members are permitted to give a 2-minute statement to explain their final vote

Voting Rules

- Open Meetings Law requires a quorum of working group members to be physically present in a publicly accessible location to proceed with the vote
- All members have equal vote (including Agency representatives)
- This will be a roll call vote

Proposed Disadvantaged Community Criteria: Summary - Alex

Geographic DAC Definition:

1. Include 45 indicators of (a) environmental exposures, burdens, and climate change risks, and (b) sociodemographic and characteristics and health outcomes in the DAC definition.
2. Score census tracts on relative basis using (a) percentile ranks of all indicators, (b) hierarchical scoring approach, and (c) adding Environmental/Climate component by Population/Health component to get overall score.

3. Include 35% of NYS census tracts as Geographic DACs, considering each tracts' relative rank (a) statewide or (b) regionally. Automatically include tracts where at least 5% of land is federally recognized reservation or owned by an Indian Nation.

Individual Criteria (applicable only for investment purposes, ECL 75-0117)

4. Include low-income households located anywhere in the State in the DAC criteria for the purpose of investing or directing clean energy programs, projects, or investments.
5. Define low-income households as households reporting annual income at or below 60% of State Median Income or are otherwise categorically eligible for low-income programs.

Role of DAC criteria summary language

Recap of Comment Review Process

Steps taken after public comment period

1. Reviewed comments
2. Categorized comments and reviewed with WG
3. Summarized WG recommended indicators for inclusion
4. Summarized WG recommended methodological changes
5. Reviewed proposed changes with the WG and prioritized indicators to review
6. Worked to identify data sources to assess based on comments

Summary of actions taken

- Explored data availability of potential new indicators
- Explored methodological changes

Disadvantaged Communities Criteria

1. Indicators: Framework
 - a. Environmental Burdens and Climate Change Risks - 20 indicators
 - b. Population Characteristics and Health Vulnerabilities - 25 indicators
2. Scoring Approach: Overview
 - a. Multi-Step Process
 - b. Combining Data
3. Designation: Include 35% of Tracts
 - a. Rationale for including 35% of census tracts
 - b. Overview of Approach
 - c. Detailed Approach
 - d. Consider Statewide and Regional ranking to identify DACs
 - e. Automatically including 19 Tribal and Indigenous Areas
 - f. Low Household Counts
4. Individual Criteria - ECL 75-0117
5. Individual Criteria: selected low income as annual household income at or below 60% SMI because it aligns with public administered programs.

Let's Vote

Sonal: I am voting yes on this definition. I feel confident that we did our due diligence in addressing all comments and concerns. Important to note that as new data rolls in, that the math might change in the future.

Abby: I vote to approve criteria. It's been an honor to be a part of the process. I feel confident that we did the best that we could have done based on the available data. Definitely need better data and tracking so I would encourage the state to prioritize that in the most transparent way possible moving forward.

Jill: I am also going to vote yes on this criteria. This has been a very educational process for me. Appreciative to have been able to represent rural areas. Curious to see how our definition evolves as data improves and really excited to see the functionality of the DAC criteria in real life.

Rahwa: I vote yes. Thank you to all staff & WG members. Proud of the work we've accomplished over the last 3 years. Should have worked harder to bring indigenous and tribal nation leaders to speak to the CJWG members in person. Can't call ourselves EJ and not stand in solidarity with our indigenous brothers and sisters. [Read a statement sent by the Tonawanda Seneca Nation] I hope that there are ways to bring indigenous voices into this space.

Elizabeth Y: I vote yes. Also, thank you to all staff. It was a wonderful surprise that this working group was deeply committed to a process that made it possible for us to build alignment. This process was respectful, relentless, and dedicated to centering racial justice and equity. For something to be environmental justice, it means that those communities have had a legacy of environmental harm also then have to have a legacy of environmental benefits. Disappointed that diabetes was not excluded, this lack of statistics speaks to gaps that exist in governance that make it impossible to address concerns in our communities.

Eddie: I also vote yes. I'm proud of how we ensured that individual households and rapidly gentrifying communities were also captured (leave no DAC behind). It's important to remember that there was always going to be a level of imprecision built into this due to lack of all data points. 35-40% of the funding is specifically for DACs but there is still the remaining % of funding for clean energy/energy efficiency. There are still big picture decisions ahead of us.

Chris: I also vote yes to move forward the criteria. I want to thank my fellow CJWG members, you all are committed to getting the state to a place where we're able to realize the climate justice goals of the Climate Act. I also want to thank the members of the public, our community partners who have spent the time to follow and engage in the process. Also, want to thank the team for the work behind the scenes.

Elizabeth F: I'm also voting yes. [Read quote from Department of Labor]

Neil: I approve the current criteria. Thank you for the opportunity to be a part of the process. I recognized the limitations and gaps in the data, but this drove some of the work in obtaining that data, providing Illume with an initial layer to work with.

Alanah: Also vote in the affirmative. I want to make sure we remember the hard work and dedication of Rosa Mendez who was the previous chair of the working group. As current chair, I would like to thank everybody for their dedication to this work. During the pandemic we saw how marginalized and local communities of color were disproportionately impacted and saw the results of generations of redlining, increment equality, and malicious learning practices. I am personally extremely proud to have been a part of this process and to have spent almost 3 full years working with a group of people who did not create this problem but are more than willing to stand up regardless of the pushback and criticism, and

to fix the thing that they didn't break. Thank you to our consultants, our staff members, and everyone in the background.

The CJWG has voted in favor of finalizing the DAC criteria.

Next Steps

- Next meeting is on April 4th, at 12pm.
- Press release will be going out later today to let everyone know about the work done here.
- Update factsheets.
- List of DAC communities and shape files will be available, will be updating the interactive maps. HTML maps will be available in the meantime.
- Will be working on a final report.
- Guidance to agencies on reporting the clean energy and energy investments within the DACs.
- Annual Review of DAC Criteria
 - Monitoring developments in other regions
 - Reviewing indicators & methodology
 - Assessing availability of new data
 - Tracking DAC criteria with an eye to assessing outcomes and implementation

Eddie: Is the only action item for the next meeting on the 4th to vote on the minutes?

Alanah: Technically, yes.

Questions?

Jill: Is there a specific time frame that we can see the maps?

Alanah: The goal is to have them up within the next 48 hours. The interactive tableau map, final report, and translated fact sheets will take some time. The HTML maps, shapefiles, English version of the fact sheet and online updates should be ready within 48 hours.

Eddie: Can you send the PowerPoint slides to the CJWG members? Also, how's Basil?

Adriana: He's out of the country right now but he wants to thank you all. He shared a message of appreciation of your dedication of the CJWG members over the last few years. Just want to extend a thank you and gratitude on behalf of Commissioner Seggos and Governor Hochul, your contribution to the state of New York during this process has been incredibly helpful and will benefit New Yorkers for many years to come.

Thank You!

Meeting adjourned 2:17pm