



Department of
Environmental
Conservation

Climate Justice Working Group Meeting

March 23, 2023

Meeting Procedures

- Meeting rooms will be muted to reduce noise
- Working Group members should raise their hand to indicate they would like to speak
- Please state your name before speaking for transcript purposes
- Remote participants should be on video with name visible per Open Meetings Law



Agenda for February 23, 2023

1. Roll Call
2. Vote on minutes from 1/24, 2/9 & 2/16 meetings
3. Statutory Review
4. Voting rules & process
5. Proposed DAC criteria summary
6. Review changes from draft criteria
7. Vote for final DAC criteria
8. Next steps



Roll Call





Vote on Minutes

DAC Criteria Statutory Review



Purpose of DAC Criteria

ECL § 75-0111(1)(b)

“The [climate justice] working group, in consultation with the department, the departments of health and labor, the New York state energy and research development authority, and the environmental justice advisory group, will establish criteria to identify disadvantaged communities **for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments** related to this article”



40% Benefits Goal

ECL § 75-0117

"State agencies, authorities and entities, in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to **achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending** on clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development, provided however, that disadvantaged communities shall receive **no less than thirty-five percent** of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments and provided further that this section shall not alter funds already contracted or committed as of the effective date of this section."



Disadvantaged Communities Description

“Disadvantaged Communities” means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households.” (ECL § 75-0101(5))

ECL § 75-0111(1)(c)

“Disadvantaged communities shall be identified based on geographic, public health, environmental hazard, and socioeconomic criteria, which shall include but are not limited to:

- i. Areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;
- ii. Areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and
- iii. Areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.”



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

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 Disadvantaged Communities Definition, as listed in the “Indicator Lists”.
2. Score census tracts on relative basis using (a) percentile ranks of all indicators, (b) hierarchical scoring approach (indicators within factors; factors within component), and (c) **adding** Environmental/Climate component by Population/Health component to get overall score
3. Include 35% of New York State census tracts as Geographic DACs, considering each tracts’ relative rank (a) statewide or (b) regionally (in NYC or Rest-of-State). 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 Disadvantaged Communities criteria for the purpose of investing or directing clean energy programs, projects or investments.
5. Define low-income households as households reporting annual total income at or below 60% of State Median Income, or are otherwise categorically eligible for low-income programs.

Role of DAC criteria summary language

The criteria descriptions herein are intended to summarize the methods that will be used to identify disadvantaged communities – to facilitate discussion and voting today.

The methodology, list of census tracts, and maps will be published on the climate.ny.gov website as soon as possible.



Recap of Comment Review Process

Steps taken after public comment period

01

Reviewed
comments
(3,124 comments)

02

Categorized
comments and
reviewed with WG

03

Summarized WG
recommended
indicators for
inclusion
(66 indicators)

04

Summarized WG
recommended
methodological
changes

05

Reviewed
proposed changes
with the WG and
prioritized
indicators to
review

06

Worked to identify
data sources to
assess based on
comments



Summary of actions taken

Explored data availability of potential new indicators

- Diabetes data should be available for consideration during next year's review
- We will continue to monitor availability/feasibility of other data (Covid, lead in water)

Explored methodological changes

- Factor weighting changes (WG chose to make no changes)
- Changing how component scores are combined – WG chose to add component scores rather than multiply



Disadvantaged Communities Criteria



1 Indicators: Framework

The Geographic DAC scoring approach uses data from national and state sources to create 45 indicators in the following categories. For each indicator the percentile-rank of each census tract is used in scoring.

Environmental Burdens and Climate Change Risks

Potential
Pollution
Exposures

Land use assoc.
with historical
discrimination or
disinvestment

Potential
Climate
Change Risks

20 Indicators in this component

Population Characteristics and Health Vulnerabilities

Income,
Education,
Employment

Race,
Ethnicity,
Language

Health
Impacts &
Burdens

Housing,
Energy,
Communica-
tions

25 Indicators in this component



1

Environmental Burdens and Climate Change Risks: Indicators (20)

Potential Pollution Exposures

- Vehicle traffic density
- Diesel truck and bus traffic
- Particulate Matter (PM2.5)
- Benzene concentration
- Wastewater discharge

Land use and facilities associated with historical discrimination or disinvestment

- Remediation Sites (e.g., NPL Superfund or State Superfund/Class II sites)
- Regulated Management Plan (chemical) sites
- Major oil storage facilities (incl. airports)
- Power generation facilities
- Active landfills
- Municipal waste combustors
- Scrap metal processors
- Industrial/manufacturing/mining land use (zoning)
- Housing vacancy rate

Potential Climate Change Risks

- Extreme heat projections (>90° days in 2050)
- Flooding in coastal and tidally influenced areas (projected)
- Flooding in inland areas (projected)
- Low vegetative cover
- Agricultural land
- Driving time to hospitals or urgent/critical care



1

Population Characteristics and Health Vulnerabilities: Indicators (25)

Income, Education & Employment

- Pct <80% Area Median Income
- Pct <100% of Federal Poverty Line
- Pct without Bachelor's Degree
- Unemployment rate
- Pct Single-parent households

Within this factor, both income metrics have 2x weight

Race, Ethnicity & Language

- Pct Latino/a or Hispanic
- Pct Black or African American
- Pct Asian
- Pct Native American or Indigenous
- Limited English Proficiency
- Historical redlining score

Within this factor, Pct Latino/a and Pct Black have 2x weight

Health Impacts & Sensitivities

- Asthma ED visits
- COPD ED visits
- Heart attack (MI) hospitalization
- Premature Deaths
- Low Birthweight
- Pct without Health Insurance
- Pct with Disabilities
- Pct Adults age 65+

Housing, Energy, Communications

- Pct Renter-Occupied Homes
- Housing cost burden (rental costs)
- Energy Poverty / Cost Burden
- Manufactured homes
- Homes built before 1960
- Pct without Internet (home or cellular)



2

Scoring Approach: Overview

Score census tracts **relative to each other**:

- (a) Percentile ranks of all indicators (e.g., relative index from 0-100)
- (b) Multi-step scoring approach (weighted averages of (1) indicators within factors, then (2) factors within components)
- (c) Add Environmental/Climate component by Population/Health component to get overall score

This results in an overall score that serves as a *relative ranking*

The overall score can be used to determine each tract's relative score statewide or regionally.



2 Scoring Approach: Multi-Step Process

Estimate factor scores as weighted averages of indicator percentile ranks (step 1), then estimate component scores as weighted average of percentile scores.



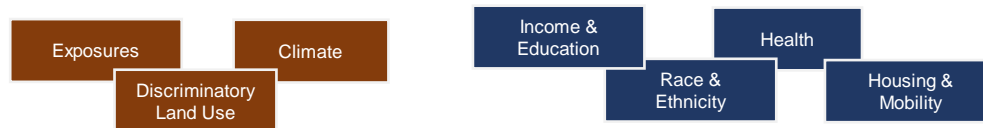
Factor scores are weighted and added before adding:



Climate Risks are given double weight within Component to equalize the combined weights of Environmental factors (Pollution Exposures + Land Use) with Climate.

2 Scoring Approach: Combining Data

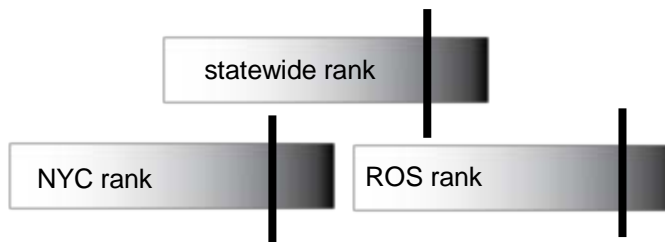
Group Indicators into **Factors** (factor scores are weighted average of indicator percentiles)



Combine Factors into **Component Scores** (also weighted averages)



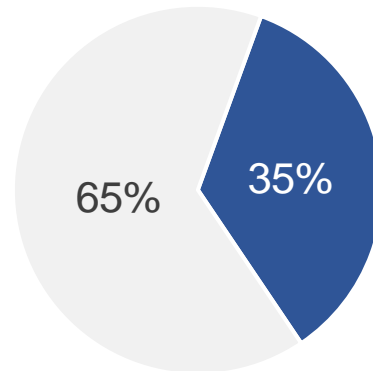
Add components to generate an **overall score** (used to calculate a relative ranking statewide and regionally)



3 Designation: Include 35% of Tracts

CJWG considered including
35% of census tracts
in New York as Geographic
Disadvantaged Communities

1,736 of New York's 4,918 census
tracts identified as Geographic DACs.



3 Designation: Rationale for including 35% of census tracts

The scoring process considers 45 indicators and ranks census tracts relative to each other.

The CJWG considered the following factors in establishing this value:

- a) **CLCPA “benefits of spending” goal of 40%:** And targeting a threshold <40% may encourage greater-than-proportional share of spending to benefit DACs (though CJWG urges Agencies to spend more than 40% among geographic DACs and low-income households).
- b) **Groundtruthing:** CJWG spent considerable time looking at their communities and identified census tracts that should likely be DACs. A higher threshold (40% or more) captures more of these, but also runs the risk of diluting investments meant for most disadvantaged areas.
- c) **Potential low-income household criteria:** In “groundtruthed” DACs that aren’t in the 35%, the low-income household criteria can ensure low-income households are included.
- d) **Room for review:** Better to start with a tailored focus for DACs and consider additive changes during future reviews.
- e) **Benchmarks:** About 32% of NY households have incomes below 60% state median, and about 45% of people identify as BIPOC (non-white). While not exact, these numbers provide some bounds for the percentage of tracts included, and per (d), CJWG wanted to start smaller.



3

Designation: Overview of Approach

Bubbles are not
sized to scale.

Scored based on combined score
Included if top-scoring in region
(NYC, rest-of-state) or statewide

Automatically
included

Scored based on
Environmental/Climate alone
if population >100 people
(53 of 138 eligible for scoring)

4,780 tracts with
sufficient census data
to score Env/Climate
and population/health

19
Indigenous
Tribal
Areas

138 tracts
with
insufficient
population/
health data



3 Designation: Detailed Approach

Overall Goal: Identify census tracts in New York State as Disadvantaged Communities, aiming to include 35% of census tracts.

Multi-Step Approach:

- (1) Automatically include 19 census tracts that are federally-designated reservation territory or state-recognized Nation-Owned Land
- (2) Use each census tracts' overall score (from adding the Environmental/Climate component with Population/Health component) to calculate its **percentile rank statewide and regionally** (NYC vs. Rest of State)
- (3) Select census tracts that score in the top 28.9% of their regional or statewide percentile rank to achieve the overall goal of 35% of tracts designated*
- (4) For tracts with few census-defined households or population (<300 households or <500 people, but more than 100 people), designate as DACs if their “environmental burdens and climate change risk” is in the top 28.9% of their regional or statewide percentile rank.
- (5) Exclude census tracts with <100 people from scoring (unless they are Indigenous or Tribal Areas)

*The percentile rank scoring threshold 28.9% was determined to achieve the 35% designation threshold, considered all other scoring rules.

3

Designation: Consider Statewide and Regional ranking to identify DACs

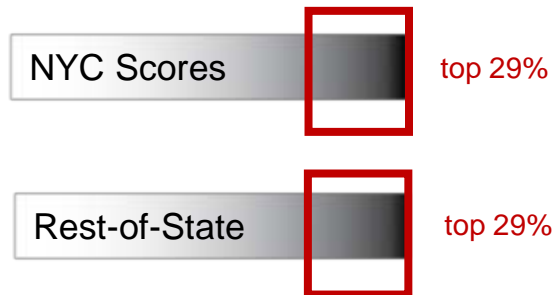
Statewide Score

How each community ranks (on all of the data) within the **entire** state



Regional Scores

How each community ranks (on all of the data) in NYC and Rest-of-State separately



35%
Designated

Designate communities that score in either top 29% statewide OR regionally, to achieve the overall goal that 35% of census tracts are designated



3

Designation: Automatically including 19 Tribal and Indigenous Areas

Census Tract	County	Census Place Name	Nation	Land	Pct of Tract Land Area
36009940200	Cattaraugus		Seneca Nation	Reservation	100%
36029940100	Erie		Tonawanda Seneca	Reservation	100%
36003940200	Allegany		Seneca Nation	Reservation	100%
36033940000	Franklin	Akwesasne CDP	Saint Regis Mohawk Tribe	Reservation	100%
36067940000	Onondaga	Nedrow CDP	Onondaga Nation	Reservation	99%
36037940100	Genesee		Tonawanda Seneca	Reservation	99%
36063940001	Niagara		Tuscarora Nation	Reservation	99%
36009940300	Cattaraugus	Salamanca city	Seneca Nation	Reservation	99%
36009940000	Cattaraugus		Seneca Nation	Reservation	99%
36029940000	Erie		Seneca Nation	Reservation	99%
36063940100	Niagara		Tonawanda Seneca	Reservation	98%
36013037600	Chautauqua	Forestville CDP	Seneca Nation	Reservation	6%
36103159511	Suffolk	Mastic CDP	Unkechaug Nation	Reservation	6%
36103190705	Suffolk	Tuckahoe CDP	Shinnecock Nation	Reservation	6%
36099950300	Seneca	Seneca Falls CDP	Cayuga Nation	Owned	13%
36053030103	Madison	Oneida city	Oneida Nation	Owned	10%
36053030300	Madison	Canastota village	Oneida Nation	Owned	7%
36063021100	Niagara	Niagara Falls city	Seneca Nation	Owned	7%
36053030600	Madison	Munnsville village	Oneida Nation	Owned	6%

Tribal and Indigenous Nation Lands if:

- Tract contains >5% federally-designated reservation territory (Source: Census)
- Tract contain >5% of nation-owned land (Source: NYS parcel ownership data)



3 Designation: Low Household Counts

138 of 4,918 tracts (2.8%) have **household counts that are too low for reliable Census data**

- Implemented as “<300 households or <500 people”
- This includes sparsely-populated areas as well as group quarters like correctional facilities where there is no “household” data on things like household income
- Of these 138 tracts, 85 have <100 people (and 64 have zero population).

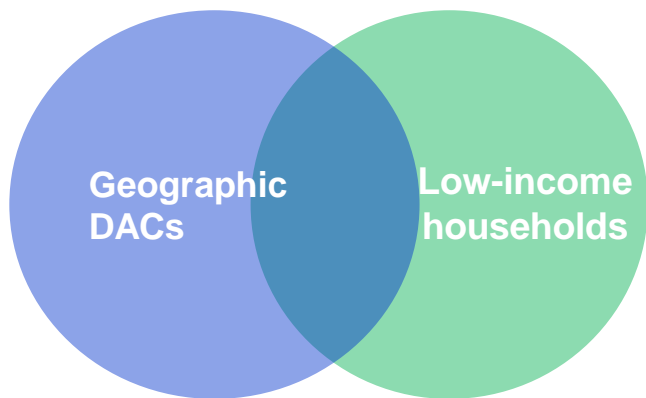
Of the remaining 53 tracts with at least 100 people:

- They are scored on the basis of **Environmental/Climate Burdens alone** (if their Burdens score fall in the top **28.9%** statewide or top **28.9%** for NYC or Rest-of-State, using the same designation level as overall scoring)
- This adds ~12 tracts with low household counts to the DAC definition

(This means 81 tracts are not part of scoring - 4 of the 85 are Tribal/Indigenous Land)



4 Individual Criteria



Include low-income households located anywhere in the State in the Disadvantaged Communities criteria **for the purpose of** investing or directing clean energy programs, projects or investments (i.e., only for purposes of ECL 75-0117).

5 Individual Criteria

Poverty: Annual household income at or below 100% of Federal Poverty Level

Low income: Annual household income at or below 60% State Median Income (SMI), or categorical eligibility with other low-income programs

Selected to (a) align with publicly-administered programs, (b) minimize additional income documentation and screening (SNAP, SSI, Temporary Assistance), (c) and start at low-income threshold, which can be reassessed after 1 year

Moderate income: Annual household income above 60% of SMI, but lower than 80% of Area Median Income (and sometimes 80% state median income)



Let's Vote



Next Steps

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

“The group will meet no less than annually to review the criteria and methods used to identify disadvantaged communities and may modify such methods to incorporate new data and scientific findings. The climate justice working group shall review identities of disadvantaged communities and modify such identities as needed.”
(ECL § 75-0111(3))



Questions?



Thank You