

1 Disadvantaged Communities Criteria - 5-25-2022

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Notice of public hearing on the Draft
5 Disadvantaged Communities Criteria

6 PUBLIC COMMENT HEARING

7 DATE: May 25, 2022 at 12:05 p.m.

8 VENUE: WebEx

9 BEFORE: A.L.J. MOLLY MCBRIDE

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Reported by Howard Hubbard

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2 APPEARANCES:

- 3 BASIL SEGGOS, D.E.C. COMMISSIONER
- ANDREA LINTON, CO-HOST
- 4 ALANAH KEDDELL-TUCKEY, OFFICE OF ENVIRONMENTAL JUSTICE
- MARIA KATCHMAR, D.E.C.
- 5 TYLER PICARD, NYSERDA
- ADRIANA ESPINOZA
- 6 LOUIS ALEXANDER
- HALEY VICCARO
- 7 ERICA RINGEWALD

8 SPEAKERS:

- SONYA CHUNG
- 9 DAVID HEPINSTALL
- 10 MARY ARNOLD
- LAURIE SCHOEMAN

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1 Disadvantaged Communities Criteria - 5-25-2022
2 (The hearing commenced at 12:05 p.m.)
3 A.L.J. MCBRIDE: Good afternoon
4 everyone. My name is Molly McBride. I'm an
5 administrative law judge with the New York State
6 Department of Environmental Conservation. In a
7 minute we're going to begin our hearing. I just
8 wanted to let everyone know that we were just
9 contacted in the last half hour by our Spanish
10 interpreter informing us that they would not be able
11 to attend today's hearing. I apologize for this last
12 minute change and we will arrange to have
13 interpreters at future hearings. We will update our
14 website with the information for the additional
15 hearings where we will have Spanish interpreters
16 available.

17 We do have closed captioning available
18 in Spanish translation for those of you who would
19 like to use that option. If you've attended by the
20 Internet you will see a small C.C. box on the lower
21 left side of your screen. If you click on that you
22 will have the option to use the closed captioning.

23 I would now like to introduce the
24 D.E.C. Commissioner Basil Seggos to welcome you
25 today.

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2 COMMISSIONER SEGGOS: Thank you,
3 Molly. And good afternoon everybody. Thank you so
4 much for joining us. I'll just say a few quick
5 remarks right off the top and then, of course, today
6 is all about you and -- and your opportunity to weigh
7 in on the real important criteria that we have in
8 front of us.

9 Again, I'm Basil Seggos, D.E.C.
10 commissioner. I'm also the co-chair of the state's
11 Climate Action Council along with NYSERDA President
12 and C.E.O. Doreen Harris. As you probably know, New
13 York has one of the most if not the most ambitious
14 climate laws in the nation. And at the heart of that
15 or the heart of that law in many respects is the
16 consideration that it pays toward climate justice,
17 environmental justice. And righting the wrong. Not
18 just righting the wrongs of the past but also helping
19 us to direct our investments to fix problems within
20 communities that are so called disadvantaged which is
21 an important definition that we're all dealing with
22 now.

23 That climate law we -- we prepared a
24 scoping plan for it which we delivered draft scoping
25 plan on December 31st. We just completed eleven

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2 public hearings on that. The public comment period
3 on that, separate from this one, ends on June 10th so
4 if you haven't already taken a look at that document,
5 I would encourage you to at [Climate.ny.gov](https://www.climate.ny.gov) and please
6 submit your comments on that.

7 But today, of course, and for the next
8 several weeks we are talking about the criteria
9 related to the -- the disadvantaged communities'
10 definition. And it's really important because it
11 helps us to understand where we need to make
12 investments, where we need to direct benefits and
13 what communities across the state need to receive, in
14 particular, this attention that is in the heart of
15 this climate law. So we want your input today on
16 that.

17 I want to thank the Climate Justice
18 Working Group. We have several members of the
19 climate justice working group that dedicated
20 literally months and in some cases many more months.
21 Couple of years to come up with this definition and
22 the work behind it. And all the staff that have
23 worked on it between D.E.C. and NYSERDA some of whom
24 are on the call today. I want to thank them for all
25 the work that they have done.

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2 We are on the leading edge of this
3 nationally. I want to make sure everyone understands
4 that this is uncharted territory so it's really
5 important that we talk to you, that we hear from you.
6 And then ultimately we strengthen what we've already
7 put out there for the public. So, again, I don't
8 want to take more time. I want this to be about you
9 today. Thank you for joining us and let's have a
10 robust discussion today. Back to you, Molly.

11 A.L.J. MCBRIDE: Thank you,
12 Commissioner. Okay. We're now going to begin our
13 hearing. On behalf of the D.E.C. and NYSERDA I would
14 like to thank you for joining us here this afternoon
15 and for participating in this very important process.
16 The D.E.C. in partnership with NYSERDA is holding
17 eleven public hearings across New York State to
18 receive public input on the draft disadvantaged
19 communities criteria and to advance the finalization
20 of the criteria to help guide the implementation of
21 the state's Climate Leadership and Community
22 Protection Act.

23 New York's Climate Justice Working
24 Group, which consists of representatives from
25 environmental groups across the state and New York

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2 State agency representatives, voted in December to
3 release the draft criteria for identifying
4 disadvantaged communities for public review. The
5 draft disadvantaged communities criteria public
6 comment period commenced in March with a one hundred
7 and twenty day public comment period that ends on
8 July 7th, 2022.

9 The draft disadvantaged communities
10 criteria can be found at [Climate.ny.gov](https://climate.ny.gov). Again, that
11 website is [Climate.ny.gov](https://climate.ny.gov). The criteria are based on
12 geographic, public health, environmental hazard and
13 socioeconomic factors and once approved will be used
14 and help meet the directives of the climate act
15 related to reducing pollution and greenhouse gas
16 emissions as well as to inform regulatory impact
17 statements and the state's clean energy and
18 efficiency investments.

19 Notice of this hearing was published
20 in the Environmental Notice Bulletin on May 4th,
21 2022. Assisting us today with this hearing are
22 members of the department's Office of Communication
23 Services and we thank them for their help here today.
24 In a moment I'm going to introduce Alanah Keddell-
25 Tuckey who is the director of the D.E.C.'s Office of

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2 Environmental Justice. Alanah will give a brief
3 overview of the work to date and the draft criteria.

4 The purpose of today's public comment
5 hearing is to allow members of the public to comment
6 on the draft disadvantaged communities criteria.
7 Today is not a question and answer session. Comments
8 will be accepted at this hearing this afternoon and
9 at four in-person public hearings as well as five
10 more virtual public comment hearing sessions. In a
11 moment I will list the dates and times for the
12 remaining hearings. For those of you who are
13 attending by the Internet, the information will be on
14 the screen.

15 Written comments will be accepted
16 until July 7th, 2022 and equal weight is given to
17 written or oral comments. Comments submitted by e-
18 mail must be received by five p.m. on July 7th, 2022
19 to be considered. And comments submitted by mail
20 must be postmarked by July 7th. Again, equal weight
21 is given to written and oral comments.

22 In a moment I will read off the e-mail
23 address as well as the mailing address for those of
24 you who have joined us today by telephone. The
25 addresses will be posted on our screen in the slides.

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2 Due to the number of people who wish to speak, we are
3 going to limit each speaker to two minutes to make
4 their comments. Please be respectful of that time
5 limit. If you have not completed your remarks after
6 two minutes, we will ask you to conclude your
7 remarks.

8 Anyone who wishes to speak was asked
9 to register to speak here today, and we will call
10 registered speakers in the order in which you have
11 registered. We will call your name when it is your
12 turn to speak. At that time your line will be
13 unmuted. If you have attended over the Internet, we
14 will unmute your line and let -- you will hear a beep
15 on your end. If you have attended by phone, when we
16 call your name would you please press Star Three on
17 your phone to raise your hand and then you will know
18 to unmute your phone line.

19 Again, that will be press Star Three
20 on your telephone when you hear your name called.
21 Please do not press Star Three until we have called
22 your name. When you make your comments please begin
23 with your name and your address, and if you are
24 speaking on behalf of a group, please identify the
25 group who you represent here today. Again, if anyone

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2 is speaking here on behalf of a group or an
3 individual, please identify who you're representing.

4 If anyone is having a technical issue
5 at any point during the hearing, you may call area
6 code Five one eight four zero two eight zero four
7 four. Again, that number is area code Five one eight
8 four zero two eight zero four four. When you make
9 your statement we would ask that you please speak
10 loudly, slowly and clearly. All comments are being
11 recorded by our court stenographer. If we cannot
12 hear you there is a risk that your statement will not
13 be recorded accurately.

14 Before we begin the public comment,
15 I'd like to introduce Alanah Keddell-Tuckey from the
16 D.E.C.'s office of Environmental Justice to give a
17 brief presentation. Alanah.

18 MS. KEDDELL-TUCKEY: Thank you, Molly.
19 Good afternoon everyone. My name is Alanah Keddell-
20 Tuckey and I am the director of the Office of
21 Environmental Justice at the Department of
22 Environmental Conservation. I am also the chair of
23 the state's Climate Justice Working Group. Thank you
24 very much for joining us this afternoon for this
25 public hearing on the draft disadvantaged

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2 communities' criteria.

3 As Basil mentioned earlier, the
4 climate act is the nation's most ambitious climate
5 change related legislation. Its goal is to reduce
6 New York State's greenhouse gas emissions from all
7 human activities by a hundred percent over 1990
8 levels by the year 2050 with an incremental target of
9 at least forty percent reduction in greenhouse gases
10 by the year 2030. At least eighty-five percent of
11 the reductions by 2050 must come from preventing the
12 release of greenhouse gases. The remaining fifteen
13 may come from carbon removal projects like soil
14 conservation, growing forests and restoring wetlands.

15 Implementing the climate act will
16 create opportunities to build a better future and
17 ensure this work also advances climate justice. The
18 climate act mandates at least thirty-five to forty
19 percent of the benefits of New York State's spending
20 on clean energy accrue in disadvantaged communities.
21 State agencies are also required to prioritize
22 greenhouse gas emissions and co-pollutant reductions
23 in disadvantaged communities. This includes D.E.C.
24 and the drafting of regulations to meet the
25 greenhouse gas emissions limits that are required by

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2 the climate act.

3 The identification and prioritization
4 of disadvantaged communities in accounting of -- of
5 the benefits of cutting pollution and improving
6 resilience is what makes our climate act a
7 transformative law. To identify disadvantaged
8 communities in New York the climate justice working
9 group was guided by the language of the climate act
10 in identifying disproportionately burdened
11 communities. They voted to include forty-five
12 indicators using data and environmental hazards,
13 climate change risks, public health issues, geography
14 and socioeconomic factors like race, income,
15 education levels, unemployment rates and housing
16 conditions.

17 Additionally, the draft disadvantaged
18 communities designations are reflective of the
19 working group, their lived experiences and the lived
20 experiences of the residents of these historically
21 overburdened and underfunded communities.

22 Each census tract is scored based on a
23 relative burden, risk, vulnerability or sensitivity.
24 Specifically, the percentile ranks of the indicators
25 for each census tract are combined to produce a value

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2 that measures a census tract's relative level of
3 environmental burden and climate change risks as well
4 as population characteristics and health
5 vulnerabilities relative to other tracts.

6 Tracts with higher scores relative to
7 other tracts in the state or in their region who are
8 identified as disadvantaged communities. The working
9 group also voted to include low-income households
10 with incomes at sixty percent of the state median
11 income as disadvantaged for the purposes of benefits
12 and investments.

13 On the screen you'll see that there --
14 it will come up again, there will be a snapshot of
15 what the disadvantaged communities criteria looks
16 like on the map of the New York City area. Fifty-
17 nine percent of the tracks in New York City are
18 considered as geographic facts under the draft
19 criteria. Thank you again. Thank you very much for
20 joining us today. We look forward to hearing your
21 comments and please continue. Molly.

22 A.L.J. MCBRIDE: Thank you, Alanah.
23 So we're going to begin with our public comments here
24 now. Again, we will call your name when it is your
25 turn to speak. If you have not joined us by the

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2 Internet and are on the telephone, we will ask you to
3 press Star Three when we call your name. So please
4 wait until we call your name, okay. Our first
5 speaker today is Sonya Chung. Ms. Chung? Go ahead,
6 Ms. Chung. Ms. Chung, you've been unmuted. Oh, I
7 believe she might still be muted.

8 MS. CHUNG: Can you hear me?

9 A.L.J. MCBRIDE: Yes, we can. Go
10 ahead.

11 MS. CHUNG: Thank you so much. Good
12 afternoon. My name is Sonya Chung and I am a staff
13 attorney in the Environmental Justice Program at New
14 York Lawyers for the Public Interest. ...
15 environmental justice program ... to fight against
16 environmental racism in New York. Thank you to New
17 York State Department of Environmental Conservation
18 and New York State Energy Research and Development
19 Authority for the opportunity to testify in support
20 of the climate justice working groups draft
21 disadvantaged communities' criteria.

22 We thank the members of the climate
23 justice working group for their tireless work in
24 developing the draft criteria. N.Y.L.P.I.
25 enthusiastically supports the just, thorough and data

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2 driven draft criteria developed by the working group.
3 N.Y.L.P.I. also supports the selection of indicators
4 used by the climate justice working group and
5 supports including low-income households for the
6 purpose of directing clean energy and energy
7 efficiency investments.

8 Importantly, we stand by the climate
9 justice working group's acknowledgement that climate
10 change does not affect all New Yorkers equally. And
11 more specifically that climate change
12 disproportionately impacts black, Latin, Asian and
13 indigenous communities. The use of race and
14 ethnicity as a factor in identifying disadvantaged
15 communities this critical as legacies of historical
16 discrimination on the basis of race and ethnicity
17 result in minority populations bearing the harshest
18 impacts from climate change.

19 New York State's draft criteria will,
20 unlike the federal government's equivalent, face the
21 issues and their roots clearly for what they are.
22 The efforts to repair decades of environmental racism
23 must begin with the common sense truth that racism
24 has to do with race. Such use of race based factors
25 is constitutional. Equal protection challenges to

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2 using racial classifications undergo a strict
3 scrutiny standard in the courts, and under that
4 standard the use of race is constitutional if it is
5 found to be an early tailored measure that furthers a
6 compounding governmental interest.

7 New York has a well-documented past of
8 racial discrimination, and is as evidence in the
9 C.L.C.P.A. and is the heart of the law as the
10 commissioner's statements aptly described it, a
11 compelling interest in remedying the effects of it.
12 The Supreme Court has held that remedying the effects
13 of past intentional discrimination is a compelling
14 interest under the strict scrutiny test.

15 Recent neutral alternatives to
16 identifying disadvantaged communities would not
17 directly address the environmental racism that the
18 C.L.C.P.A. seeks to address which specifically
19 targeted communities based on their race. In
20 conclusion, we urge D.E.C. and NYSERDA to finalize
21 the criteria as drafted by the climate justice
22 working group, and we call for swift implementation
23 of that draft criteria so New York State may properly
24 carry out the mandates of the C.L.C.P.A. The climate
25 justice working group's draft criteria is how New

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2 York State can make sure that those communities are
3 prioritized and centered. Thank you.

4 A.L.J. MCBRIDE: Thank you, Ms. Chung.
5 Our next speaker is David Hepinstall. David
6 Hepinstall. Could we unmute Mr. Hepinstall's line
7 please?

8 MS. KATCHMAR: We are trying to do
9 that. And Webex is -- let's see. What just
10 happened? Okay. We are not able to unmute Mr.
11 Hepinstall right at this time. We might have to come
12 back. Unless -- okay, you are --.

13 A.L.J. MCBRIDE: Now unmuted.

14 MS. KATCHMAR: Yes, you are unmuted.
15 Yes.

16 MR. HEPINSTALL: Thank you.

17 A.L.J. MCBRIDE: I apologize for the
18 delay but go ahead.

19 MR. HEPINSTALL: Yeah, I -- I do not
20 have formal comments at this time. Okay. I would
21 like to defer my formal comments but I just want to
22 repeat my full support for everything that has just
23 been stated. She said it very well and I agree with
24 everything she said. I do want to supplement my
25 comments in writing.

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2 A.L.J. MCBRIDE: Thank you very much.
3 The e-mail address and the mailing address will be on
4 the screen, and I will read them at the end of the
5 public comments for anyone who's joined us by phone.
6 Thank you very much for your comments, Mr.
7 Hepinstall.

8 Our next speaker is Mary Arnold. And
9 I see that we have someone who signed in just by the
10 first name Mary. So if we could unmute that line to
11 see if that's Ms. Arnold, and if not then we'll go to
12 our telephone lines. But let's right now unmute the
13 Internet sign-in with the first name Mary. Go ahead.
14 Is this Ms. Arnold?

15 MS. ARNOLD: Yes, yes, it is. Thank
16 you very much for the opportunity to comment.

17 A.L.J. MCBRIDE: You can continue.

18 MS. ARNOLD: Yes. Today freight rail
19 in New York State creates pollution hot spots.
20 Legacy Freight Fleet Locomotives are not a low
21 emission mode. These are locomotives from the 1970s
22 that were left out of the Clean Air Act. Families by
23 freight rail yards from Stillwater and Mechanicville
24 to Fresh Pond Yard in Queens are being harmed by
25 needless pollution because railroads have failed to

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2 modernize their fleets to tier four emission
3 standards.

4 And also because the railroads are
5 hauling unenclosed waste that emits spillage, blow
6 off, leaching and odors. The California Air
7 Resources Board has studied pollution from rail
8 yards, determined there are harms and has developed
9 strategies and taken actions to address harms.
10 Although some communities by rail yards are
11 designated disadvantaged under the draft criteria
12 others are not.

13 New York State must specifically
14 include rail yards. And also adjacent tracks in
15 neighborhoods where yard operations take place daily
16 as a factor in determining a disadvantaged community.
17 And also modify the scope of the Climate Leadership
18 and Community Protection Act to include strategies
19 modeled after the California Air Resources Board's.

20 And on tier four repowering that is
21 already taken place by the Port Authority in New
22 York, New Jersey and waste management that eliminates
23 ninety-five percent of that pollution. The scope is
24 terribly out of date in this regard. It's looking
25 forward to hydrogen powered locomotives which are

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2 fifteen years in the future if at all. So in both
3 regards, please take action.

4 And I thank you very much for finally
5 addressing the -- the inequities that have been so
6 burdensome to particular communities. Thank you very
7 much for that. And also to the legislature for
8 passing these laws and for the environment justice
9 laws to address cumulative impacts. Thank you.

10 A.L.J. MCBRIDE: Thank you, Ms.
11 Arnold. Our next speaker is Ricardo Lopez who I
12 believe may be attending by telephone. So Mr. Lopez,
13 if you have joined us today by telephone, I would ask
14 you to press Star Three on your phone to raise your
15 hand and then we'll know to unmute your line. So
16 we're looking for Ricardo Lopez. If you have joined
17 us today by telephone please press Star Three on your
18 phone and we will unmute your line for you to make
19 your comment.

20 Ricardo Lopez. And right now it does
21 not appear that anyone has raised their hand. I'll
22 go back to Mr. Lopez again. Our next speaker is
23 Laurie Schoeman. Laurie Schoeman. And I do not see
24 Ms. Schoeman on our list of attendees. So, Ms.
25 Schoeman, if you have joined us by telephone today I

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2 would ask that you please press Star Three on your
3 telephone and we will know to unmute your line.

4 Laurie Schoeman if you've joined us today by phone
5 please press Star Three on your phone and we will
6 unmute your line for you to make your comment.

7 And at this time I do not have anyone
8 who has raised their hand. I'm going to call Mr.
9 Lopez again in case he has just joined us. Ricardo
10 Lopez, if you have joined us today by telephone or
11 signed in under a different name we would ask that
12 you please raise your hand if you've joined us by
13 telephone. Please press Star Three on your phone to
14 raise your hand and we will know to unmute your line.
15 If you've joined us by the Internet and have signed
16 in under another name there is a small hand icon on
17 the bottom of your screen. Just click on that and
18 we'll know to unmute your line.

19 Either Ricardo Lopez or Laurie
20 Schoeman. Okay. I do not have any raised hands at
21 this time. At this point I would like to welcome
22 comments for anyone who was not able to register
23 before today's hearing. If anyone who's in
24 attendance would like to make a comment here today
25 then I would ask that you please raise your hand and

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2 we will unmute your line one by one to take your
3 comments.

4 If you've joined us over the internet
5 you will see on the bottom of your screen a small
6 hand. If we could put that slide up for a minute to
7 show people how they can raise their hand to make a
8 comment that would be great. There's a small hand
9 icon on the bottom of your screen, and if you click
10 on that you can raise your hand and we will know to
11 unmute your line to allow you to make a comment.

12 If you've joined us by telephone and
13 you would like to make a comment, please press Star
14 Three on your telephone and we will unmute your line.
15 In the meantime, while we're waiting for anyone who
16 would like to make a comment, I'm going to read off
17 the dates and locations for the remaining hearings.

18 We have an in-person hearing tomorrow
19 in Poughkeepsie. Tomorrow, Thursday, May 26th at six
20 p.m. We have an in-person hearing for the public to
21 comment on the draft criteria. The location of the
22 hearing is the Beulah Baptist Church, 92 Catherine
23 Street, Poughkeepsie, New York. Again that's six
24 p.m. tomorrow at the Beulah Baptist Church, 92
25 Catherine Street, Poughkeepsie, New York.

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2 We have our next virtual hearing on
3 Thursday, June 2nd, at six p.m. Thursday, June 2nd
4 six p.m. will be a virtual hearing for the Finger
5 Lakes Southern Tier regions.

6 Our next in-person hearing after
7 tomorrow's hearing is Friday, June 10th at six p.m.
8 at the Grace Baptist Church at 52 South 6th Avenue in
9 Mount Vernon. And that is for the lower Hudson
10 Valley region. And again that is at the Grace
11 Baptist Church, 52 South 6th Avenue, Mount Vernon.
12 And that's on Friday, June 10th at six p.m.

13 We then have another in-person hearing
14 at the D.E.C.'s Region 2 office which is located at
15 47-40 21st Street. The hearing room is on the 8th
16 Floor at Long Island City and that hearing will be on
17 Tuesday, June 14th at six p.m. Tuesday, June 14th
18 six p.m. at the D.E.C.'s Region 2 office at 47-40
19 21st Street on the 8th Floor at Long Island City.

20 We have another virtual hearing for
21 the Central New York Mohawk Valley region, and that
22 will be on Wednesday, June 15th at six p.m. Another
23 virtual hearing. Wednesday, June 15th at six p.m.

24 We have a virtual hearing for the
25 North Country Capital Region members on Tuesday, June

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2 21st at twelve p.m. Tuesday, June 21st, twelve p.m.,
3 a virtual hearing for North Country and Capital
4 Region communities.

5 Then on Thursday, June 23rd at six
6 p.m. for the Western New York region there will be a
7 hearing at Push P-U-S-H, Push Buffalo which is the
8 former School 77 at 429 Plymouth Avenue, Buffalo, New
9 York. And, again, that hearing is on Thursday June
10 23rd at six p.m. That's an in-person hearing.

11 We have a virtual hearing on
12 Wednesday, June 29th at twelve p.m. for the Hudson
13 Valley Community. Wednesday, June 29th, twelve p.m.
14 for the Hudson Valley Community. That will also be
15 virtual.

16 And we have our final virtual hearing
17 on Thursday, June 30th at twelve p.m. for the Western
18 New York area. That's a virtual hearing for the
19 Western New York Community on Thursday, June 30th at
20 twelve p.m.

21 If you would like to attend any of
22 those hearings in person or virtually, the details
23 for attending are on the D.E.C. web -- on the climate
24 website. It's Climate.ny.gov. Climate.ny.gov. If
25 you see the link for the disadvantaged communities

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2 criteria the details are there. We also have the
3 details available on the D.E.C. website. If you go
4 to Dec.ny.gov. on our home page in the middle of the
5 page is the D.E.C. calendar.

6 On today's date there will be a link
7 for the information for the hearings. You can click
8 on today's date for the information. All the details
9 will be there.

10 I will note that I don't have any
11 raised hands right now, but in the meantime I'm going
12 to read off the addresses for submission of written
13 comments. If you would like to submit your comments
14 by e-mail the e-mail address for the submission of
15 comments is DACcomments@dec.ny.gov. That's De --
16 DACcomments -- DACcomments@dec.ny.gov. And the
17 mailing address for the submission of comments is
18 Draft D.A.C. Comments to the New York State D.E.C.,
19 Attention Office of Environmental Justice, 625
20 Broadway, 14th Floor, Albany, New York 12233.

21 Again, comments must be submitted by
22 July 7th, 2022 and both the mailing address and the
23 e-mail address are also available on the website at
24 Climate.ny.gov. So if you miss those addresses, if
25 you joined us by the Internet they are on our screen.

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2 As the slides advance you will see the addresses, and
3 you can find the links for the information at
4 Climate.ny.gov.

5 Again, if anyone has joined us that
6 did not register to speak but like to make a comment,
7 if you've joined us by phone press Star Three on your
8 telephone and we will unmute your line. If you've
9 joined us by the Internet there is a small hand icon
10 that you can click on and that will raise your hand
11 for us so we will unmute your line if anyone would
12 like to make a comment.

13 I will note that I don't have any
14 raised hands right now. It is twelve thirty-three so
15 I will take about a five minute break just in case
16 anyone would like to take a few minutes and decide.
17 And then in five minutes we'll go back on the record
18 and see if anyone would like to make a comment. So
19 right now we'll take a five minute break and then
20 I'll come back and ask again if anyone would like to
21 make a comment. Thank you.

22 (Off the record 12:34 p.m.)

23 (On the record 12:38 p.m.)

24 A.L.J. MCBRIDE: I'm going to resume
25 the hearing and I'm going to call the names of two

1 Disadvantaged Communities Criteria - 5-25-2022
2 people who had registered to speak that weren't
3 online when we called them before. I'm going to call
4 their names again. If you're here and you've joined
5 us by phone we'll ask you to press Star Three. If
6 you're here and you've joined us by the Internet we
7 will unmute your line although I don't see one of our
8 speakers. But I'm going to call the first registered
9 speaker who we called before, Ricardo Lopez.

10 Ricardo Lopez, if you have joined us
11 today by the telephone I would ask that you please
12 press Star Three on your phone and we will unmute
13 your line so you can make your comments. Ricardo
14 Lopez, if you've joined us today, Mr. Lopez, by phone
15 please press Star Three.

16 And I will note that no one has raised
17 their hand so I will call our next speaker Laurie
18 Schoeman, and I see that we have a speaker who is
19 signed in as Laurie. So we could unmute that line
20 please. So if we could unmute the attendee Laurie we
21 will see. Go ahead. Ms. Schoeman, is that you? The
22 attendee who is signed in as Laurie you've been
23 unmuted if you've like to make a comment.

24 The attendee who has joined us today
25 signed in as Laurie. We unmuted your line.

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2 MS. KATCHMAR: She muted it again,
3 Judge.

4 A.L.J. MCBRIDE: Okay.

5 MS. KATCHMAR: I can try to unmute
6 again just to see if there was a mistake.

7 A.L.J. MCBRIDE: Go ahead.

8 MS. KATCHMAR: Laurie, you're unmuted
9 --.

10 A.L.J. MCBRIDE: Go ahead. Okay.
11 That's probably not someone who wants to make a
12 comment. But thank you. If there's anyone else
13 who's joined us that would like to make comments, if
14 you've joined us by telephone please press Star Three
15 on your phone otherwise use the raised hand function.

16 MS. KATCHMAR: We can see that in the
17 chat that Laurie was trying to speak and the system
18 was interfering. So she was trying to speak.

19 A.L.J. MCBRIDE: Okay. Let's unmute
20 Laurie again.

21 MS. KATCHMAR: Okay.

22 A.L.J. MCBRIDE: Laurie, you're
23 unmuted.

24 MS. SCHOEMAN: The call in number.

25 A.L.J. MCBRIDE: Laurie, you have been

1 Disadvantaged Communities Criteria - 5-25-2022
2 unmuted. Laurie, you've been unmuted if you'd like
3 to make a comment.

4 MS. SCHOEMAN: Yes, I'm speaking, can
5 you hear me?

6 A.L.J. MCBRIDE: We can, yes. We can
7 hear you.

8 MS. SCHOEMAN: Fantastic. Wonderful.
9 Thank you so much for the opportunity to speak. I
10 just wanted to make a comment that in addition to the
11 disadvantaged communities' criteria statement that's
12 been put forward, I think that it's critical and I'm
13 representing myself, Laurie Schoeman with respect to
14 this statement. I'm a resident of Brooklyn, New
15 York, Prospect Heights.

16 I'm on -- I work for Enterprise
17 Community Partners. We are an affordable housing
18 organization in New York and the nation. I'd like to
19 note that it is important to ensure that we consider
20 housing and shelter when we think about determining
21 the disadvantaged and underserved communities. That
22 disadvantaged communities also are defined by not
23 having sufficient affordable housing so that they can
24 live a safe and healthy life.

25 So I would like to record that you

1 Disadvantaged Communities Criteria - 5-25-2022
2 consider as part of disadvantaged housing --
3 disadvantaged communities a concept that affordable
4 housing needs to be part of that discussion. We know
5 that with rising rents and costs of housing becoming
6 unaffordable to so many communities across the state
7 that this is a critical consideration and it must be
8 taken by the state. Thank you.

9 A.L.J. MCBRIDE: Thank you, Ms.
10 Schoeman. I apologize if we had some technical
11 issues. A request was made that we put the number up
12 again for anyone that might be having any sort of an
13 issue. If you're having any technical issue you can
14 call area code Five one eight four zero two eight
15 zero four four. Five one eight four zero two eight
16 zero four four. And we also have the number on the
17 screen right now for how to join this meeting if
18 anyone would like to join the meeting that hasn't
19 been able to.

20 And I don't see any additional raised
21 hands. So I believe we have called on everyone that
22 would like to make a comment. I will ask one last
23 time if there's anyone that would like to make a
24 comment while the record is open. If you joined us
25 by phone please press Star Three on your telephone.

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2 We will unmute your line. If you've joined us by the
3 Internet you will see small hand icon on your screen.
4 If you click on that that will raise your hand and we
5 will know to unmute your line.

6 Okay. And I will note that we do not
7 have any raised hands, and I will also note that in
8 the chat that we have available I don't have anyone
9 that has asked to make a comment or indicated that
10 they're having difficulty raising their hand. So at
11 this time on behalf of the D.E.C. and NYSERDA I would
12 like to thank everyone for taking the time here today
13 to join us in this very important project.

14 We thank you for joining us, making
15 your comments and being part of this process. Again,
16 if you want to join any of the other hearings, the
17 details are available at [Climate.ny.gov](https://climate.ny.gov).
18 [Climate.ny.gov](https://climate.ny.gov). All the details for attending any
19 future hearings are there. The written comments will
20 be due by July 7th. E-mail is [DACcomments plural --](mailto:DACcomments@dec.ny.gov)
21 DACcomments@dec.ny.gov.

22 If you would like to mail in comments
23 please mail them to New York State D.E.C., Draft
24 D.A.C. Comments, Attention Office of Environmental
25 Justice, 625 Broadway, 14th Floor, Albany, New York

1 Disadvantaged Communities Criteria - 5-25-2022
2 12233. And both the e-mail address and the mailing
3 address are available at Climate.ny.gov. Again, on
4 behalf of the department and NYSERDA I thank everyone
5 for joining us here today and being a part of this
6 very important process. Thank you very much.

7 (The hearing concluded at 12:46 p.m.)

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1 Disadvantaged Communities Criteria - 5-25-2022

2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 32, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 9th day of June, 2022.

11

12 HOWARD HUBBARD, Reporter

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