



ISSUES IN BRIEF

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The Climate Leadership Community Protection Act (CLCPA) (S.6599 (Kaminsky) / A.8429 (Englebright)), adopted in the 2019 legislative session, mandates zero-emissions and renewable electric generation and requires carbon neutrality across the state's economy by 2050. The CLCPA requires the development of a New York state climate action council, which will develop a plan for achieving the statewide greenhouse gas emissions limits. The Department of Environmental Conservation will adopt regulation allowing for attainment of the emissions limits. The Act requires all state agency decisions regarding permits, licenses, and other administrative approvals and decisions including but not limited to the execution of grants, loans, and contracts, consider whether such decisions are inconsistent with or will interfere with statewide greenhouse gas emissions limits.

Specific Statutory Goals

- GHG Emissions Reductions
 - 2030 - Reduce Emissions to 60% of 1990 levels
 - 2050 - Reduce Emissions to 15% of 1990 levels, the remainder of reductions to be achieved by offsets
- Bulk Electricity Goals
 - 2030 - 70% Renewable Electricity
 - 2040 - 100% Zero Emissions
- Specific Technology Goals
 - 2025 - 6 gigawatts of distributed solar
 - 2030 - 3 gigawatts of storage
 - 2035 - 9 gigawatts of offshore wind
 - 185 trillion Btu increase in statewide energy efficiency

Time Line

- **January 1, 2020** - The CLCPA takes effect.
- **By January 1, 2021** - The DEC shall establish a statewide greenhouse gas emissions limit as a percentage of 1990 emissions. The DEC shall consider the establishing a mandatory registry and reporting system for individual sources exceeding an identified threshold.
- **By January 1, 2022** - The Climate Action Council shall prepare and approve a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emissions levels.
- **By January 1, 2023** - The Council shall submit the final scoping plan.
- **By January 1, 2024** - The DEC after public workshops shall promulgate rules and regulations to ensure compliance with statewide emissions reductions and limits.

New York State Climate Action Council *ECL § 75-0103*

The New York State Climate Action Council ("Council") shall consist of the following twenty-two members:

- The commissioners of transportation, health, economic development, agriculture and markets, housing and community renewal, environmental conservation, labor, the chairperson of the public service commission; the presidents of the New York state energy research and development authority, New York power authority, and Long Island power authority; and the secretary of state, or their designees.
- Ten non-agency expert members, two appointed by the governor; three by the temporary president of the senate, three by the speaker of the assembly, one by the minority leader of the senate, and one by the minority leader of the assembly.

- The at-large members shall include at all times individuals with expertise in issues relating to climate change mitigation and/or adaptation, such as environmental justice, labor, and public health and regulated industries.
- The co-chairpersons of the council shall be the commissioner of environmental conservation and the president of the New York state energy research and development authority or their designee.
- The council shall convene advisory panels requiring special expertise and, at a minimum, shall establish advisory panels on transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry. The council may convene and dissolve additional advisory panels, in its sole discretion, and pursuant to the requirements herein.
- The purpose of the advisory panels shall be to provide recommendations to the council on specific topics, in its preparation of the scoping plan, and interim updates to the scoping plan, and in fulfilling the council's ongoing duties.

Scoping Plan ECL § 75 – 0103 (11)

The draft scoping plan will be developed by the Climate Action Council in consultation with the environmental justice advisory group, and the climate justice working group.

The scoping plan shall identify and make recommendations on regulatory measures and other state actions that will ensure the attainment of the statewide greenhouse gas emissions limits, and shall at a minimum include:

- Performance-based standards for sources of greenhouse gas emissions, including but not limited to sources in the transportation, building, industrial, commercial, and agricultural sectors.
- Measures to reduce emissions from the electricity sector by displacing fossil-fuel fired electricity with renewable electricity or energy efficiency.
- Land-use and transportation planning measures aimed at reducing GHG emissions from motor vehicles.
- Measures to achieve long-term carbon sequestration and/or promote best management practices in land use, agriculture and forestry.
- Measures to promote the beneficial electrification of personal and freight transport and other strategies to reduce greenhouse gas emissions from the transportation sector.
- Measures to achieve reductions in energy use in existing residential or commercial buildings, including the beneficial electrification of water and space heating in buildings, establishing appliance efficiency standards, strengthening building energy codes, requiring annual building energy benchmarking, disclosing energy efficiency in home sales, and expanding the ability of state facilities to use performance contracting.
- Recommendations to aid in the transition of the state workforce and the emerging clean energy sector.
- Measures to achieve healthy forests that support clean air and water, biodiversity, and sequester carbon.
- Measures to limit the use of chemicals, substances or products that contribute to global climate change when released to the atmosphere, but are not intended for end-use combustion.
- Mechanisms to limit emission leakage.
- Verifiable, enforceable and voluntary emissions reduction measures.

In conducting this evaluation, the council shall quantify:

- The economic and social benefits of greenhouse gas emissions reductions, taking into account the value of carbon (as established by the Department), any other tools that the council deems useful for this analysis, and any environmental, economic and public health co-benefits (such as the reduction of co-pollutants and the diversification of energy sources); and the costs of implementing proposed emissions reduction measures, and the emissions reductions that the council anticipates achieving through these measures.
- Take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and recommend a *de minimis* threshold of greenhouse gas emissions below which emission reduction requirements will not apply.
- Identify measures to maximize reductions of both greenhouse gas emissions and co-pollutants in disadvantaged communities.