



Anthony K. Rogers-Wright  
Director of Environmental Justice  
New York Lawyers for the Public Interest  
[arogers-wright@nylpi.org](mailto:arogers-wright@nylpi.org)

**Re: Testimony to the Senate Standing Committee on Finance, Energy and  
Telecommunications, and Environmental Conservation, January 19, 2023**

January 19, 2023

Chairwoman Krueger, Chairman Parker, Chairman Harckham,

Thank you for this opportunity to testify on the critical issue of efficacious and equitable implementation of our state's landmark climate law, the Climate Leadership and Community Protection Act (CLPCA). Extreme weather events across this nation and right here in New York, coupled with increased displacement of people rendered into climate migrants and subjected to draconian policies of certain Governors presiding over border states, elucidate the incontrovertible fact that the climate crisis is intensifying, the number of its victims is increasing, and our only recourse is advancing real solutions rooted in Indigenous wisdom and other principles of environmental justice.

My name is Anthony Karefa Rogers-Wright – I currently serve as the Director of Environmental Justice for New York Lawyers for the Public Interest, a 45-year-old civil rights and social justice organization that significantly contributed to the creation of community lawyering based in New York City. As a proud Steering Committee member of the 320-member NY Renews coalition, who is largely responsible for the organizing, mobilizations, and lobbying that led to passage and ratification of the CLCPA, I would like to use this opportunity to discuss our concerns with some of the approaches broached in the Scoping Plan to enjoin economy-wide emissions reduction as mandated by the climate law, specifically hydrogen combustion.

Hydrogen combustion is suggested as a potential energy production and emissions reduction mechanisms numerous times in the Final Scoping Plan. Therefore, prior to the investment of New Yorkers' hard-earned money in this notional technology, there must be a transparent, inclusive, and community-led analysis of a mechanism that could prove antithetical to key themes of the climate law including prioritization of disadvantaged communities and increased environmental justice. Unfortunately, the language of the Scoping Plan, in many cases, as well as unilateral and, frankly, impetuous actions by Governor Hochul, such as committing New York to a multi-state, regional hydrogen combustion hub, may lead many to believe that a *fait accompli* has already been engendered, which would not be consistent with tenets of transparency and public participation that must be included as part of implementing our state's climate law.

It should be noted that while fossil fuel corporations like National Grid were listed as one of the approximately 40 partners in her March 24, 2022 statement announcing the hub, **there's not one environmental justice organization listed.**<sup>1</sup> This is a profound and problematic omission, as numerous climate/environmental justice organizations and practitioners characterize hydrogen combustion as a “false solution.” This sobriquet is rooted in science and a demonstrated lack of efficacy in the context of emissions reduction and equity.

For instance, last Fall, the New York Power Authority conducted a green hydrogen demonstration project in Long Island. The project, which analyzed the impacts of blending a hydrogen mix ratio of 5% to 44% resulted in concerning results including:

- Nitrogen oxide emissions increased by as much as 24% as the fraction of hydrogen increased;
- To keep NOx air emissions within permitted limits, the plant had to significantly increase water consumption, a troubling red flag as Long Island continues to experience [severe drought conditions](#);
- Blending hydrogen with fracked gas yields no more than marginal reductions in greenhouse gas emissions, carbon emissions were reduced by only 14% at a 35% hydrogen mix, which is doubly concerning considering that hydrogen is itself an [indirect greenhouse gas](#); and
- Green hydrogen is scarce, expensive, and impractical as a major fuel source. Moreover, it was telling that for this study, NYPA trucked the hydrogen from Canada to Long Island.

It was for these reasons and more that the PEAK coalition, which my organization co-founded with New York City Environmental Justice Alliance, UPROSE, and the Point CDC, concluded in our statement on the demonstration project indicated, “The results of NYPA’s study combusting hydrogen gas blended with fracked gas at a Long Island power plant confirms the concerns of PEAK Coalition and other climate justice organizations: combustion of so-called “green” hydrogen in power plants is [dirty, impractical, and expensive](#).” The full statement was sent to Chair Krueger’s office, and we’d ask that it be submitted as part of the record.

In 2021, the Department of Environmental Conservation (DEC) denied a Title V air permit, that included the potential utilization of hydrogen, wofor a fossil fuel peaker plant in Astoria, Queens. As part of its rejection of the permit, DEC declared, “Astoria has not established the feasibility of either [renewable natural gas] or hydrogen as a compliance pathway, from either a supply or [greenhouse gas] emission perspective.”<sup>2</sup> If DEC determined that hydrogen combustion does not comply with the climate law in 2021, the people of New York, especially those residing in disadvantaged and other environmental justice communities, deserve an explanation why DEC believes it complies in 2023 and beyond.

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<sup>1</sup> <https://www.governor.ny.gov/news/governor-hochul-announces-multi-state-agreement-signed-major-hydrogen-ecosystem-partners>

<sup>2</sup> [https://www.dec.ny.gov/docs/administration\\_pdf/nrgastoriadecision10272021.pdf](https://www.dec.ny.gov/docs/administration_pdf/nrgastoriadecision10272021.pdf)

Even those making the argument that hydrogen can be produced from clean energy sources cannot resolve the profligate and inefficient nature of this technology. In fact, according to our friends at the Energy Justice Network, whereas 1 megawatt hour (MWh) of clean energy used to develop hydrogen would offset approximately 500 pounds of carbon dioxide equivalent, whereas the same amount of clean energy introduced to the grid could offset roughly 2,200 pounds.<sup>3</sup>

And it must be stated that one of the biggest proponents of hydrogen combustion is arguably the biggest culprit of the climate crisis – fossil fuel corporations who are more concerned with increasing profits than reducing emissions. This was confirmed in the January 2023 edition of an oil and gas publication, *oilprice.com*, which concludes, “However, the reason for the sudden interest in green hydrogen by many energy companies is to support longer-term oil and gas production by helping to decarbonize operations.”<sup>4</sup>

To that end, it’s critical that our lawmakers are incontrovertibly certain that investing in hydrogen is not an investment that allows fossil fuel corporations to continue their assault on people and the planet in perpetuity. It’s time to stop financing and subsidizing fossil fuels, it’s time to stop paying the pipers, and it’s time to start making the pipers pay as called for in Senator Myrie’s “Climate Negligence”

There seems to be a rush to embrace hydrogen combustion due more to copious federal dollars made available via the so-called Inflation Reduction Act (IRA) than to copious examples of demonstrated effectiveness. To this end, it must be stated that unlike our state’s climate law, the IRA was not written by, for, or with environmental justice organizations, nor environmental justice communities. This, along with the law’s exorbitant investment in hydrogen combustion, is a big reason why national climate justice coalitions including the Climate Justice Alliance and Indigenous Environmental Network oppose the IRA.<sup>56</sup>

Our lawmakers must be less concerned with drawing down federal dollars for unproven technologies, and more concerned with driving up climate and environmental justice in ways that are consistent and compliant with the CLCPA. Ergo, a precautionary principle should be applied in lieu of unprincipled spending on unproven and potentially unprincipled technologies.

Increased risks and disproportionate burdens for disadvantaged communities, increased costs for unproven solutions, and, in, too many cases, increased emissions put the use of hydrogen combustion on a troubling trajectory to exacerbating environmental injustices. Because based on the results of NYPA’s demonstration project, DEC, New York State Energy Research and Development Authority, NYPA, Governor Hochul and our State Legislature will be hard pressed to demonstrate that hydrogen combustion complies with CLCPA (specifically Sections 7(2) and 7(3)), the recent amendment to our State’s constitution that grants all New Yorkers the right to clean air, clean water, and a healthful environment, and the recently signed “Cumulative Impacts” bill that provides interdiction for any project that would increase disproportionate burdens in an identified disadvantaged community.

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<sup>3</sup> <http://www.energyjustice.net/hydrogen>

<sup>4</sup> <https://oilprice.com/Energy/General/Why-Oil-And-Gas-Companies-Are-Considering-Green-Hydrogen.html>

<sup>5</sup> <https://climatejusticealliance.org/the-inflation-reduction-act-is-not-a-climate-justice-bill/>

<sup>6</sup> <https://www.ienearth.org/the-inflation-reduction-act-of-2022-is-not-a-climate-bill/>

This is a pivotal year and legislative session that will determine whether our landmark climate law is implemented to the letter of the law or if it is rendered nothing more than five letters that spell out a meretricious call for climate leadership and climate protection. NYLPI urges our lawmakers to be intentional, to be responsible, and to be just. You can do so by holding a series of hearings before allowing unilateral executive action that locks our state into season of potential false solutions instead of an epoch of inexorable and real climate action, furnished with real climate solutions. Rather than potentially wasting billions of dollars on hydrogen combustion and increasing risks and toxic emissions, we call on you to pass the NY Renews climate jobs and justice package that Chairs Kreuger, and Parker have both sponsored. We thank you both for your support and leadership and we also look forward to working closely with you, Chair Harckham.