Report: A Legislative Climate Action Plan for New York State

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In October 2015, Democratic Conference Leader Andrea Stewart-Cousins launched the Democratic Policy Group to develop policy initiatives to better serve all New Yorkers. The group, chaired by Senator Daniel Squadron, with Senators George Latimer, Velmanette Montgomery and José M. Serrano, is working with the entire Democratic Conference to focus on affordability across the state, job creation, meaningful tax and mandate reform, and closing the upstate/downstate economic divide.

This report focuses on climate change and a legislative climate action plan and grows out of a Climate Action Forum hosted by the Policy Group in cooperation with Environmental Conservation Committee Ranking Member Senator Brad Hoylman and the entire Democratic Conference. Accepted scientific research shows that climate change is real and is caused by human activity. Human-induced climate change is a massive challenge facing New York State and the rest of the world, with New Yorkers already feeling the impacts through increased extreme weather, heightened flood risks – including in coastal, mountainous, and agricultural communities – and worsening health risks, especially for vulnerable communities like children, the elderly, and those with asthma. But, combating climate change also presents an opportunity for New York to exercise leadership in the green economy and create thousands of jobs for New Yorkers.

New York has begun work in multiple areas of climate change prevention and mitigation, and the Democratic Conference has long fought to combat climate change, protect our communities, and grow jobs in the green economy. As demonstrated at the climate action forum, however, there is more New York State can do to address the serious and imminent climate change threat. Strengthening New York’s approach to climate change through a legislative climate action plan will drive New York’s leadership and commitments to fight climate change, increase investment in the green economy, and lead to jobs, health improvements, and savings for New York State.

The Climate Change Threat

Climate change, which can refer to any significant, long-term change in typical weather patterns, has recently come to refer to now-ongoing significant climate changes associated with the release of greenhouse gases into our atmosphere. As of 2015, 14 of the 15 hottest years on record had occurred since 2000. The most recent climate change report from the Intergovernmental Panel on Climate Change (IPCC) – a global benchmark in climate change research – noted that warming of the global climate system is “unequivocal,” and IPCC reviews of existing scientific research in 2007 and again in 2013 concluded that our climate is changing due to human action. This human-induced climate change is a defining economic, health, and moral issue of our time.

As said at the forum, New Yorkers all over the state are already experiencing the impacts and threats of climate change. Recent research has highlighted the particular risks climate change poses in the Northeast including through extreme weather events, and increased
precipitation, temperatures and flood risk that pose particular threats to New York State, including coastal communities and mountainous regions where flooding threatens communities and agriculture in valleys. Recent increases in extreme weather events, such as the devastation of Hurricanes Irene and Lee and Superstorm Sandy, historic snowfalls and even tornadoes, have made personal the threat that climate change can pose to our everyday life in New York.

Experts at the forum pointed out that climate change is also a public health issue, as higher temperatures increase the likelihood and impact of the spread of insect-borne disease, worsen the symptoms of those with asthma, and have other immediate health impacts especially on vulnerable populations. Panelists at the forum explained how temperature increases allow mosquitoes that carry the Zika virus to live in more Northern areas beyond its traditional habitat, and noted that diseases like Dengue fever, that used to be found only in more southern nations, are now found in Florida. In addition, air pollutants from the fossil-fuel combustion that contributes to climate change also pose a significant threat to human health, especially for children, the elderly, and those living in communities where such pollutants are released.

As noted by panelists, scientists have estimated that to avoid the worst effects of climate change, worldwide greenhouse gas emissions will need to be reduced by as much as 80 percent. Some recent studies have indicated an even greater and sooner potential for even more massive impact on our human life on earth, with the authors of these studies suggesting that some of the most severe impacts of climate change, including extreme sea level rises impacting coastal cities, could be triggered within the next fifty years.

**Addressing Climate Change Produces Jobs and Savings for New Yorkers**

The massive changes occurring in the atmosphere are alarming. Combating climate change is an imperative that also has the potential to create thousands of jobs for New Yorkers, improve public health and quality of life, and generate savings for the state and consumers.

The forum highlighted an important fact: Steps that can be taken to combat climate change – including decreasing greenhouse gas emissions, increasing use of renewable energy, and improving energy efficiency – create jobs and economic growth in the “green economy” and produce savings and financial returns for families and the state. 2016 research cited at the forum found over 85,000 New Yorkers are already employed in the clean energy sector across every county in the state, including as scientists and researchers, factory and construction workers, engineers, and office and support staff, and given the forward-looking nature of the green economy, these jobs are ripe as long-term career opportunities for New Yorkers. A stronger climate action plan in New York State, including renewable energy and greenhouse gas reduction goals codified in statute would increase these numbers. Recent research has predicted over 1 million jobs worldwide (and 470,000 in the United States) in the renewable energy sector alone would be created if nations across the globe made good on certain climate commitments. Nationwide, state renewable energy standards alone in 2013 supported over 200,000 renewable
energy jobs, saved consumers over $2 billion in reduced electricity and gas prices, and produced over $7 billion in benefits from reduced emissions and air pollution.\textsuperscript{16}

Combating climate change also saves money for the state and consumers. For example, investments of $1 in clean energy have been shown to generate savings and financial returns of between $3 and $4.\textsuperscript{17}

\textit{A Legislative Climate Action Plan for New York State}

Expert remarks at the forum highlighted that many of New York’s existing climate action commitments and programs have been accomplished through regulatory or executive actions, such as executive orders, which could be weakened or even rescinded under future administrations.\textsuperscript{18} For example, New York committed to reduce emissions 80% below 1990 levels by 2050 in 2009’s Executive Order 24\textsuperscript{19} and more recently by signing the “Under 2 MOU” – an executive agreement between several U.S. states and international jurisdictions to prevent global temperatures from rising more than 2° C\textsuperscript{20} – but has not committed legislatively to these goals or the associated planning needed to achieve them. The 2009 Executive Order established a Climate Action Council tasked with issuing a Climate Action Plan for the state.\textsuperscript{21} That Council released an interim report in 2010,\textsuperscript{22} but never released a final Climate Action Plan. The New York State Energy Plan\textsuperscript{23} includes additional commitments that have not been enacted legislatively, including to reduce greenhouse gas emissions 40% below 1990 levels by 2030 and obtain 50% of New York’s electricity from renewable sources by 2030.

The status of climate commitments in New York was contrasted at the forum with examples in Massachusetts and California, which each passed climate action plans legislatively – Massachusetts in 2008 and California in 2006.\textsuperscript{24} Panelists credited that work as setting up those states for the clean energy industry leadership they are now showing: As an example, Massachusetts now has a comparable number of energy efficiency workers as New York despite having only one-third its population,\textsuperscript{25} and Massachusetts and California occupy the top two spots in a nationwide state energy efficiency ranking.\textsuperscript{26} Other states including Connecticut,\textsuperscript{27} Rhode Island,\textsuperscript{28} and Maryland\textsuperscript{29} have also established legislative climate action plans including greenhouse gas reduction targets and associated planning. Experts agreed that establishing New York’s current and future climate targets and associated planning in statute – including consideration of environmental justice goals and concerns – would ensure the long-term state commitment and processes necessary to combat climate change at the state level.

Reduction of energy use and emissions by state agencies and public universities is another example where executive commitments could be strengthened through legislation: Executive Order 88\textsuperscript{30} and the BuildSmart initiative, which has reported a $40 million reduction in energy bills across state buildings,\textsuperscript{31} represent executive commitments to reduce energy use and increase use of renewables at state facilities. Executive Order 4 has established an ongoing state green procurement and agency sustainability program,\textsuperscript{32} and a recent pilot aims to expand agency use of zero emission vehicles.\textsuperscript{33} Establishing these and other green practices for state
agencies in statute would strengthen this important set of tools and commitments, that lead to prevailing wage jobs and further the state’s commitment to the green economy. On the university side, some state campuses have made commitments to achieve net-zero greenhouse gas emissions, including City College in the CUNY system (by 2050)\textsuperscript{34} and the University at Buffalo in the SUNY system (by 2030),\textsuperscript{35} but many campuses have not made such commitments or are working more slowly. The University of California has committed to achieving climate neutrality system-wide by 2025.\textsuperscript{36} With assistance from New York State, all SUNY campuses and CUNY could be supported to establish goals of climate neutrality by 2040.

The panelists also agreed that New York needs to start moving more urgently to address the impacts of climate change, and pointed to two areas where state commitments could be increased to help the state address climate change threats more quickly and further expand jobs and growth in the clean energy sector. First, discussion at the forum highlighted that one of New York’s central climate commitments – to reduce greenhouse gas emissions 80% below 1990 levels by 2050 – has been on the books since the 2009 Executive Order but has not been fully implemented. Increasing New York’s commitment to achieving a 100% reduction in human-caused greenhouse gas emissions below 1990 levels by 2050 and setting this commitment into law would help New York respond to the increasing impacts of climate change and grow its clean energy sector more quickly. Second, panelists noted that under recent PSC orders and analyses, utilities would be required to achieve only a .37\% to .45\% annual increase in energy efficiency while utilities in other states have been able to achieve 2\% or even 3\% annual reductions.\textsuperscript{37} Increasing this standard to match what other states have achieved would help reduce emissions, and grow energy efficiency jobs – already one of the largest clean energy job sectors\textsuperscript{38} – even further in New York.

In order to achieve emissions reductions targets, New York must evaluate progress toward them. State law required the recently released New York State Energy Plan to include greenhouse gas emissions projections,\textsuperscript{39} but the emissions inventory included with that plan did not evaluate progress toward emissions reductions goals.\textsuperscript{40} To ensure progress toward emission reduction goals, clear public reporting that tracks progress toward those targets is needed. For example, such reporting would likely highlight the need to reduce use of home heating oils that don’t meet certain environmental standards, an issue that was raised at the forum.

Finally, although New York State is making historic investments in clean energy and climate change, additional protections are necessary to protect those investments. New York has recently announced plans for a ten-year $5 billion “Clean Energy Fund”\textsuperscript{41} to provide state funding to a variety of renewable and clean energy projects, with a goal of attracting and leveraging significant private investment, but the full scope of projects that this funding will support is not yet clear. Ongoing public reporting and review is necessary to ensure these substantial state investments meet their goals and contribute to combating climate change. In addition, although New York is making historic investment in the state’s Environmental
Protection Fund (EPF) and continuing work through the Regional Greenhouse Gas Initiative (RGGI), without additional protection, there is no guarantee that EPF and RGGI funds will be dedicated to their intended purposes in the future. The 2015-16 Enacted Budget included sweeps of $41 million and $25 million, from RGGI and EPF, respectively, to the General Fund, with no specific language authorizing its replacement. Locking these funds to protect them from sweeps will ensure EPF and RGGI funds go toward their intended purposes.

A Legislative Climate Action Plan for Consideration

- Legislatively enact state climate commitments and the planning necessary to achieve those commitments, as in other states, to secure these goals and grow jobs in the green economy
- Legislatively strengthen green practices at state agencies and climate neutrality goals for SUNY and CUNY
- Address the growing urgency of climate change by targeting achievement of a 100% reduction in human-caused greenhouse gas emissions by 2050 and increasing utility energy efficiency goals to levels achieved by other states
- Evaluate and report on progress toward climate change goals to ensure headway in meeting those goals
- Lock EPF and RGGI to protect those funds from sweeps


3. See, e.g., Carrington, Damian. “14 of the 15 hottest years on record have occurred since 2000, UN says.” The Guardian. 2 Feb. 2015.


See, e.g., Environmental Advocates. “Climate Protection Act.” Available at http://www.eany.org/our-work/policy/climate-protection-act-0 (noting that “scientists have estimated that in order to avoid the worst effects of climate change, we need to cut worldwide greenhouse gas emissions by as much as 80 percent”); Morris, Jackson. “Harnessing the Energy to Lead: New York State Energy Plan Can Deliver the Clean Energy Triple Crown.” NRDC. 25 June 2015. Available at https://www.nrdc.org/experts/jackson-morris/harnessing-energy-lead-new-york-state-energy-plan-can-deliver-clean-energy (noting that “[f]or some time now, the science has made clear that we need to slash greenhouse gas emissions by at least 80 percent by 2050 in order to avoid the worst impacts of climate change”).


Remarks of Peter Iwanowicz at May 24, 2016, Democratic Policy Group Climate Action Forum.


Connecticut Substitute Bill No. 595 (2004), An Act Concerning Climate Change. Available at http://rs.acupcc.org/cap/591/ The Sustainability Section of CUNY’s Capital Plan notes CUNY’s participation in the BuildSmart initiative to include improving energy-efficiency-state-buildings.


39 See New York State Energy Law § 6-104(2)(a)(5).

