



January 19, 2023

Written Testimony of LIPC for the Senate Standing Committees on Finance, Energy and Telecommunications and Environmental Conservation Regarding the Implementation of the Climate Action Council Final Scoping Plan

The Long Island Progressive Coalition (LIPC) is a grassroots community-based organization founded in 1979. We fight for structural change at the local, state, and national levels to attain racial justice, build community wealth, and realize a just transition to a 100% renewable energy future. We have a long history of combating the expansion of dangerous and harmful environmental projects. Along with stopping the bad, we also have a long history of building a better future, as in 2011/2012 when we passed and implemented Green Jobs Green New York. We are also a leading member of NY Renews, the unprecedented coalition responsible for passing the Climate Leadership and Community Protection Act (CLCPA), and helping to shape the Climate Action Council Final Scoping Plan, the subject of our comments today.

We are just one organization among many in NYS already leading the transition to a 100% renewable energy economy by shifting policies and building renewable energy solutions on the ground. From PUSH Buffalo's School 77 project to Uprose's management of the first cooperatively-owned solar garden in NYS to the Long Island Progressive Coalition's nonprofit solar program, community organizations are already building alternative models that will guide our future energy system.

Long Island is on the frontline of climate change. Our coastal communities are threatened by sea-level rise causing flooding and home damage; families are still recovering from the devastation of Superstorm Sandy; and our neighborhoods are overburdened with air pollution from fossil fuels, causing cancers, asthma, and heart disease. We need to meet the mandates of CLCPA for the health and safety of our Island.

It is with this background, ideology, and vision for Long Island, the surrounding region, and New York State, that the Long Island Progressive Coalition, in solidarity with partners from labor, faith, immigrant, and environmental justice communities offer the following comments on the legislative and budgetary actions necessary to implement the Climate Action Council Final Scoping Plan.

First, to address the most egregious omissions of the Final Scoping Plan that left out the needs of Indigenous communities across the territory of New York State, we are calling for:



1. A requirement for utilities to indemnify Indigenous nations and tribes against liability for renewable energy production facilities' malfunction or failure to operate. Currently, in order to interconnect to the grid, utilities are placing Nations and tribes in an untenable situation by forcing them to either self-insure for liability at exorbitant and prohibitive rates, or to waive sovereign immunity and grant utilities the right to sue.
2. A requirement that any regulations which apply to renewable energy or infrastructure development promulgated as a result of the Final Scoping Plan include unmarked burial protections consistent with those outlined in A6724/S5701 of 2022.
3. Support for Indigenous-led climate solutions like the work of Shinnecock Kelp Farmers who are growing seaweed to improve water quality in Shinnecock Bay and process the harvest into fertilizer. The fertilizer will not only address nutrient runoff but also avoid additional carbon emissions generated by importing fertilizers. Seaweed in feed can also significantly reduce methane emissions from beef cattle - by as much as 82 percent - making it an important part of reducing emissions in the agriculture sector.
4. Explicit zero waste strategies to end the practice of landfilling, including a commitment to end waste-to-energy incineration in order to address the waste crisis on Long Island and across the state that directly impacts Indigenous communities living in fenceline communities due to poor waste management practices.

Second, as a member of NY Renews, we are calling for the passage of the bills in the Climate, Jobs & Justice Package (CJJP), as well as to include \$10 billion in climate justice funding in the 2023/2024 NYS budget to launch the process of funding and implementing CLCPA. The CCJP is made up of three components:

- 1) Fully Fund and Implement New York's Climate Act
 - **Climate and Community Protection Fund** (new legislation) creates a pool of money to fund and implement our landmark Climate Act. Its core investments include community benefits and broad labor, procurement, and responsible contracting standards.
- 2) Build Renewable Energy for All and Create Good, Green Union Jobs
 - **Build Public Renewables Act** (A.279) would allow the New York Power Authority (NYPA)—the largest public power provider in the country—to build new large-scale renewables more quickly, effectively, and democratically than private developers,



empowering NYPA to meet the Climate Act's mandate of 70% renewable energy by 2030.

- **Climate Accountability Act** (new legislation) gives state agencies the power and guidance they need to effectively implement the Climate Act, ensuring that the energy system is accountable and transparent to the public while paving the way to full decarbonization.
- **NY Home Energy Affordable Transition Act** (S.8198 / A.9329 of 2022) will give the Public Service Commission (PSC) the authority and direction to align gas utility regulations and system planning with the Climate Act's emission reduction and climate justice mandates.
- **Blueprint Bill** (S.8405-B / A.9881 of 2022) provides a plan to guide the replacement and redevelopment of New York State's fossil fuel facilities and sites by 2030. It lays out clear, mandatory direction for moving forward with the transition off fossil fuels per the Climate Act.

3) Make Polluters and the Ultra-Rich Pay What They Owe

- **Climate Change Superfund Act** (S.9417 / A.10556 of 2022) makes the state's worst polluters, major oil companies, pay for the harm they've caused. The bill assesses and collects a fee representing a company's share of the cost of damages that the state's ten *worst* climate polluters caused through harmful climate pollution.
- **Fossil Fuel Subsidy Elimination Act** (S.7438 / A.8483 of 2022) will end the most egregious state subsidies of \$330 million to climate crisis contributors—the fossil fuel industry.
- **Invest in Our New York's Plan to Fund Our Future** is a revenue and spending package from the Invest in Our New York (IONY) coalition that will ensure that the state eliminates wasteful handouts to businesses and that the richest New Yorkers pay what they owe to fund our climate law. More details can be [found here](#).

A core part of the CJJP is the proposed **Climate and Community Protection Fund (CCPF)**, which would direct \$10 billion into four pools so that New York can start directing money for communities, workers, and small businesses to build out resiliency and jobs programs. The CCPF's four funds are:



1. **Climate, Jobs, and Infrastructure Fund**, which directs funding for increasing building efficiency, updating our energy infrastructure, expanding public transit upstate and in Long Island, and more.
2. **Community-Directed Climate Solutions Fund**, which directs grants to community organizations for grassroots-led energy planning, reducing local emissions, and more.
3. **Community and Worker Transition Assistance**, which provides direct support and job training to impacted workers, funds to replace lost tax revenue for municipalities and school districts, and expands economic development programs, among other things.
4. **Energy Affordability Account**, which assists low and moderate-income families reduce the burden of energy costs while lowering emissions.

Examples of CCPF programs supported by these funds include:

1. **Community-Directed Climate Solutions Grants – \$2 billion**
Community-Directed Climate Solution Fund
This would fund the creation of the Community-Directed Climate Solutions Grant Program at NYSERDA, providing opportunities for community-level organizations, projects, and initiatives that may not otherwise meet application criteria for some of the state's existing climate programs. At its heart, the Community Directed Climate Solutions Grant Program is designed to support local and communally developed climate projects. The Office of Energy and Climate Equity at NYSERDA (created in the CCPF authorizing language as well as the Climate Accountability Act) is to oversee the grant program in a manner that implements progressive and equitable grant opportunities which support disadvantaged communities.
2. **Green Affordable Pre-Electrification (GAP) Fund – \$2 billion**
Energy Affordability Account
This program would assist low-to-medium income households (renters or homeowners) in undertaking deferred maintenance and pre-electrification work, including, but not limited to: lead, mold and asbestos remediation, electric panel and wiring upgrades, and energy efficiency and weatherization that isn't funded through other programs.
3. **Utility Debt Relief – \$1 billion**
Energy Affordability Account
The Energy Affordability fund programs include a variety of efforts to ensure that people's bills go down, rather than up, as part of the transition. The economic and energy



system that we currently have saddled at least 1.4 million households with electric and gas bills that they can't pay—to the tune of \$1.8 billion that they didn't have to pay for a basic need—while businesses owe another \$600 million. In addition to efforts to reduce costs and rates, the Climate, Jobs & Justice Package budget appropriations proposal directs \$1 billion of additional funding to help eliminate existing utility debt, while the CCPF allows future funding to prevent high energy bills from becoming a burden in the future.

4. 0% Interest Green Jobs Green New York Loans (GJGNY) – \$900 million

Climate, Jobs, and Infrastructure Fund

This program would add funding to the existing GJGNY loan fund and dedicate it to zero-interest loans through the NYSERDA/New York Green Bank to establish affordable financing for solar panels, weatherization, pre-electrification, and electrification of buildings. This can build on past efforts such as GNGNY/Home Performance with Energy Star and should include an expanded zero-interest on-bill recovery loan, modeled on the NYSERDA COVID-19 relief efforts.

5. Individual Worker Assurance Pilot – \$125 million

Community and Worker Transition Assistance

This would fund grants, income support, or programs administered by a labor union or the NYS Department of Labor. These investments will provide direct support for workers adversely affected or displaced by fossil fuel facility closures and fund a program for individual worker assurance. The funds will also support a program for wage guarantees for displaced workers via expanded unemployment benefits and develop a program to support early retirement.

Links to the CCPF spending plan can be found here:

- **Climate and Community Protection Fund by dollar amount, visit: bit.ly/CCPFamt**
- **Climate and Community Protection Fund by accounts, visit: bit.ly/CCPFacct**

The primary revenue generator posed in the Final Scoping Plan is the creation of a cap and invest system. Getting the funding mechanism right is vital. If NY State adopts a cap and invest model, then the State needs to ensure it's equitably designed and implemented, and that the funding goes to an equitable and effective spending plan, along with any rebate. Getting it right will take time, and there are complementary revenue sources that we can and should explore this session as mentioned above - including closing tax loopholes, raising revenue from the very rich, and creation of a climate superfund. These measures will all produce revenue faster than the creation of a new cap and invest mechanism, but in no way prevent us from developing one if that is the direction the state sets.

LONG ISLAND PROGRESSIVE COALITION

Established in 1979, the Long Island Progressive Coalition (LIPC) fights for structural change at the local, state, and national levels to attain racial justice, build community wealth, and realize a just transition to a 100% renewable energy future.




In addition to the Climate, Jobs, and Justice Package, the Long Island Progressive Coalition supports the passage of the following bills to ensure the successful implementation of CLCPA:

1. **All-Electric Building Act** (S.6843C / A.8431B) which would end the use of fossil fuels for heating in new buildings in New York State, starting with applications for permits for buildings under 7 stories at the beginning of 2024.
2. **Energy Efficiency Equity and Jobs Act** (S. 3126 / A3996A) which would create more equitable standards for how the state and utilities fund energy efficiency measures for low-income communities of color. It would also create jobs in environmental justice communities and allow funding to go toward mold and lead treatment as part of an energy efficiency retrofit.

And when the Commission on the Future of the Long Island Power Authority (LIPA) delivers its legislative vehicles to enact a fully public model for LIPA after April of this year, it is important that the entire legislature support this process in order to build a more democratic, affordable, and renewable electric utility for Long Island and Rockaway ratepayers. A fully public LIPA is vital to meeting the mandates of CLCPA.

Finally, we insist that there be no further financial or programmatic investment in the combustion of so called green hydrogen. Hydrogen combustion produces NOx emissions, a tremendously problematic local public health issue and is against Section 7(3) of the CLCPA. This is of grave importance on Long Island where the New York Power Authority conducted a hydrogen demonstration project at the Brentwood Plant, located near several environmental justice communities without any engagement or consultation. This 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.

Sincerely,

Lisa Tyson

Director