



**NIAGARA COUNTY LEGISLATURE**  
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**Testimony Prepared by Niagara County pursuant to the Climate Leadership and Community Protection Act (CLCPA) Final Scoping Plan**

The New York Climate Action Council recommendations outlined in the recently approved scoping plan is a bold strategy that would fundamentally impact Niagara County residents in countless way and significantly impacting major sectors of our economy. Furthermore, in the weeks after a generational blizzard that crippled much of the western New York community in December 2022, it is time to raise the very serious concerns the New York's Climate Leadership and Community Protection Act (CLCPA) Scoping Plans' aggressive implementation would have on future storm response.

The Niagara County Legislature is deeply concerned about the preparedness of our current electrical supply grid to meet peak load demand during storm events if the goals of the CLCPA Scoping Plan "all electric" proposal was implemented. Does NY have the resources to build out the current electrical supply grid to simultaneously meet consumer demand and goals of the CLCPA? Is it counterintuitive to expect electric ratepayers to assume financial responsibility to front electrical supply grid updates when we currently have a reliable and storm resilient natural gas delivery system?

The safety and security of Niagara County residents is paramount as we explored storm response. Simply, with the completion of such a transition from natural gas to electric heat, how many more residents would have been at risk of freezing in homes or risk of home damage due to lack of heat due to prolonged electrical outage(s)? How many more stranded drivers would we anticipate with all-electric vehicles and would they be at increased risk of freezing to death when their electric charge is exhausted? And, how would a zero-emission fleet perform at removing a significant amount of snow, clearing vehicles from roadways, and battling conditions to get equipment and manpower where it needs to be to restore power and clear major transportation arteries for first responders and essential employees?

The scoping plan lays out a vigorous strategy for six energy intensive sectors that places the lifestyle of Niagara County residents in the cross-hairs of policy. Residents that enjoy residing among tracts of forests and farm land or along the Lake Ontario and Niagara River shoreline, and those that prefer the individual freedom of an automobile to commute to work, or to farm and raise livestock on land that has been passed down for generations, will bear the brunt of financing this gargantuan effort. As the broad regulatory arm of government is churning out regulations to meet the CLCPA goals, New York's primary concern will no longer be the impacts of climate, rather it will be the inhospitable economic implications that the political climate has created within the state.

Each sector is briefly explored from the perspective of Niagara County.

*Transportation*

The scoping plan intends to rapidly convert our existing transportation system to accommodate full electrification, including a transition of on-road and non-road (i.e. aviation) fuel use to zero emission. All trucks, busses, construction and farm equipment must become zero emission by 2050, along with transitioning all marine operations and port facilities to full electric.

The challenge of how to balance growth and foster a zero emission, carbon neutral New York are at odds. New York intends to finance transferring to a zero emission transportation system by placing a series of fees on carbon intensive purchases to sway an individual consumers' preference for larger, less fuel-efficient vehicles. The Tourism and Hospitality industry- one that generates nearly \$6.9 million annually in Niagara County and sees 80% of its visitors commuting by automobile- will be impacted. The unintended consequences of this plan will only shorten the already small tourism window Niagara Falls has and the cost of visiting one of the world's largest clean energy producers will become, ironically, inefficient in an attempt to encourage the use of clean energy!

### Buildings

The scoping plan calls for the adoption of all-electric state codes that prohibit gas/oil equipment in new construction of single family and low rise residential, multifamily and commercial buildings and the eventual prohibition from replacing gas/oil heating, cooling and hot water systems in their homes. Furthermore, the state will undertake efforts to structure programs that provide appropriate price signals to consumers to incentivize deployment of low emission products, leading to artificially inflating the relatively low cost of fossil gas to current and future electricity rates to align prices and policy goals. The expectation is that our residents will not only pay higher rates for a full electric service delivery system, but they will also finance the needed upgrades to meet the CLCPA goals while reliable natural gas is abandoned.

### Electricity

Niagara County is all too familiar with how the New York Climate Act has, seemingly overnight, transitioned our prime agricultural lands into prime solar power generation opportunities. New York created the Office of Renewable Energy Siting (ORES), which is designed to expedite the siting of large-scale renewable energy projects. Through ORES, New York has effectively developed a conduit of passage for utility scale renewable energy projects that blatantly ignores the community in which these projects are planned. Niagara County questions how New York and ORES, through a legislative process, can arrest the voice of a rural community that does not wish to host utility scale renewable energy projects, and how that is any different from siting undesirable operations within disadvantage communities many years ago.

### Industry

Energy and jobs are synonymous with Niagara County. The hydroelectric power generated from the mighty falls of Niagara afforded the region to prosper from an abundance of low-cost power. After 100 years, the turbines of the Robert Moses plant still turn, but the scoping plan intends to hijack our ability to attract energy intensive industry to our region. Despite producing enough electricity to power nearly two million homes per year, Niagara County residents pay some of the highest electricity rates in the country.

### Agriculture & Forestry

The imposed changes to livestock operations and cropland management, including additional restrictions to precision feed management, herd management, advance alternate manure management and Climate Resilient Farming, and requirement for farmers to the transition to a zero emissions farm fleet and climate focused bio-economy, will only add an economic burden to our County's farmers.

Niagara County finds the theme: Soil Health, Nutrient Management and Agroforestry, and Bolstering Local Agricultural Economies to be in contradiction to the Climate Plan that has rendered our vast agricultural and forestry resources ripe for poaching by the renewable energy industry. First, ORES side-

steps community input and second, farmers are becoming increasingly willing to carve out portions of their arable land for solar lease payments, rather than have the state intervene with how they should plant and manage their crops and herds. The state must realize that the path of least economic resistance is going to prevail for landowners with vast tracts of farmable land, and a solar land lease is more attractive than waiting for the state to develop a strategy to incentivize farmers to foster local food security. Greater incentives and rewards are needed to keep agricultural communities farming for local food and not trading in farm fields for solar arrays.

### Waste

Niagara County is home to three significant non-hazardous solid waste management units with capacity far exceeding the county's waste generation. As a whole, New York has an abysmal recycling rate of less than 18%, but the plan calls to improve upon materials recovery by implementing a surcharge (per ton fee) on all waste generated and transforming waste water treatment plants, both of which increase expenses to residents.

The scoping plan mentions the need for extended producer responsibility (EPR) to cover the end-of-life management of solar panels and large-scale batteries as renewable technologies grow. Niagara County became the first local government in the nation to pass a local law requiring producers to finance solar panel recycling, yet with sample legislation already created, the state is failing to acknowledge that its aggressive alternate energy development agenda will produce a plethora of waste products with no end-of-life management strategy in place. This is too eerily familiar to Niagara County, who currently houses an overabundance of toxic and hazardous legacy wastes from previous government ambitions.

The inherent problem with the scoping plan is that New York State does not exist in a vacuum, and while undoubtedly steps need to be taken to address climate change, the unilateral action proposed in this document will produce substantial economic hardship on families and businesses in New York, while encouraging out-migration to states that do not adopt similar plans. That out-migration will negatively impact the larger battle against climate change.

Furthermore, Niagara County, by proximity and land use, should not tolerate a disproportionate cost to meet the states aggressive renewable energy goals without the option of local governments weighing in on the siting of these projects. Our farmers should not be told how to raise their cattle or manage their crops, our shores should not sprout wind turbines and our fields should not produce electricity rather than a local food source without community input. Our working class residents should not be involuntarily subjected to making expensive accommodations to their homes and automobiles and witness, or potentially join, the line of traffic fleeing New York to states that value smart, sustainable growth, where the cost of living and industry do not continue a steep trend to unfathomable levels and where government does not have such an expansive and detrimental reach.