Justice and Equity in New York's Climate Law

Jen Metzger, Policy Director, New Yorkers for Clean Power & former NYS Senator
June 27, 2022 NYCP Teach-In
Passed in 2019, the Climate Act commits New York to:

- Reducing GHG emissions by **40% by 2030** below 1990 levels and **85% by 2050**, with the goal of achieving **net-zero emissions**.

- Generating **70%** of electricity from renewable resources by **2030**; **100% carbon-free** electricity by **2040**.

- **Achieving a just and equitable clean energy transition.**
 Equity Requirements of New York's Climate Act

- Prioritize **Disadvantaged Communities (DACs)** in reductions of GHG emissions and co-pollutants;
- Ensure that emissions reduction strategies do not adversely impact DACs;
- Dedicate 35% of the benefits of clean energy investments to DACs (with goal of 40%);
- Give specific focus to DACs in workforce development and training.
Equity Requirements of New York's Climate Act

Directives to the Public Service Commission/NYSERDA:

- Initiate and implement easily replicable renewable energy projects in public low-income housing in suburban, urban, and rural areas;

- Design renewable energy and energy efficiency programs so that they provide substantial benefits for disadvantaged communities at reasonable cost;

- Specify, to extent practicable, min. % of storage projects to DACs to reduce reliance on dirty peaker plants;

- Track and publish data on energy savings and clean energy investments in LMI and DACs.
Address Cumulative Environmental Burdens

- **By Oct. 1, 2022**: DEC to develop a community air-monitoring program for at least four high-priority locations in Disadvantaged Communities with potentially high pollution exposure burdens, reporting findings annually.

- **On or before June 1, 2024**: DEC to develop a strategy to reduce emissions of toxic air contaminants and criteria pollutants in DACs, including criteria for community emission reduction programs.
"Disadvantaged Communities" defined

- Communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate-income households.
Minimum Criteria for DACs under the Climate Act

To be based on geographic, public health, environmental hazard, and socioeconomic criteria, including:

- Areas burdened by cumulative environmental pollution and other hazards negatively affecting public health;
- Areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and
- Areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.
Climate Act: Equity and inclusion in the Planning & Decision-Making Process

- **Climate Justice Working Group:** Representatives from environmental justice communities statewide and from NYS DEC, Health & Labor Depts, NYSERDA. Responsible for defining criteria for Disadvantaged Communities, and reviewing & providing input into Scoping Plan and DEC regulations to meet law's goals.

- **Just Transition Working Group:** Advises on workforce development and training opportunities and on mitigating impacts on workers and communities in affected industries (e.g., fossil fuels), undertakes related studies & develops recommendations to ensure a just transition.

- **Environmental Justice Advisory Group & Interagency Environmental Coordinating Council:** Permanent advisory body charged with adopting a model EJ policy to apply to all agencies and to monitor compliance.
Climate Action Council develops "Draft Scoping Plan" with input from Advisory Panels, Climate Justice WG, and Just Transition WG.

Public comment period on Draft Scoping Plan

CAC Finalizes Scoping Plan

DEC promulgates regs to comply w/ Climate Act, with input from Climate Justice WG & Environmental Justice Advisory Group

Climate Justice WG develops DAC criteria

Public Comment on Draft DAC criteria/map

CJWG finalizes DAC criteria
Make your voice heard!

Sign up to speak at a virtual public hearing:

- Wed., June 29, @ noon: Register for Hudson Valley virtual hearing
- Thurs., June 30, @ noon: Register for Western New York virtual hearing

Submit written comments by July 7 to:
DACComments@dec.ny.gov

Or via U.S. mail:
Attn: Draft DAC Comments, Office of Environmental Justice, 625 Broadway, 14th Floor, Albany NY 12233
Climate Leadership and Community Protection Act (Climate Act) Goals

Carbon neutral economy, mandating at least an 85% reduction in emissions below 1990 levels
40% reduction in emissions by 2030
100% zero-carbon electricity by 2040
70% renewable electricity by 2030
9,000 MW of offshore wind by 2035
6,000 MW of distributed solar by 2025
3,000 MW of energy storage by 2030
185 TBtu on-site energy savings by 2025

Commitments to climate justice and just transition
Disadvantaged Communities Description

“Disadvantaged Communities means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households.” (ECL § 75-0101(5))

ECL § 75-0111(1)(c)

“Disadvantaged communities shall be identified based on geographic, public health, environmental hazard, and socioeconomic criteria, which shall include but are not limited to:

i. Areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;

ii. Areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and

iii. Areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.”
Framework: Burdens, Risks & Vulnerabilities

The Geographic DAC scoring approach uses data from national and state sources to select 45 indicators in the following categories for each census tract in NY state.

- **Environmental Burdens and Climate Change Risks**
  - Potential Pollution Exposures
  - Land use assoc. with historical discrimination or disinvestment
  - Potential Climate Change Risks
  - 20 Indicators in this component

- **Population Characteristics and Health Vulnerabilities**
  - Income, Education, Employment
  - Race, Ethnicity, Language
  - Health Impacts & Burdens
  - Housing, Energy, Communications
  - 25 Indicators in this component
# Environmental Burdens and Climate Change Risks:
## Draft Indicators

### Potential Pollution Exposures
- Vehicle traffic density
- Diesel truck and bus traffic
- Particulate Matter (PM2.5)
- Benzene concentration
- Wastewater discharge

### Land use and facilities associated with historical discrimination or disinvestment
- Remediation Sites (e.g., NPL Superfund or State Superfund/Class II sites)
- Regulated Management Plan (chemical) sites
- Major oil storage facilities (incl. airports)
- Power generation facilities
- Active landfills
- Municipal waste combustors
- Scrap metal processors
- Industrial/manufacturing/mining land use (zoning)
- Housing vacancy rate

### Potential Climate Change Risks
- Extreme heat projections (>90° days in 2050)
- Flooding in coastal and tidally influenced areas (projected)
- Flooding in inland areas (projected)
- Low vegetative cover
- Agricultural land
- Driving time to hospitals or urgent/critical care
# Population Characteristics and Health Vulnerabilities: Draft Indicators

<table>
<thead>
<tr>
<th>Income, Education &amp; Employment</th>
<th>Race, Ethnicity &amp; Language</th>
<th>Health Impacts &amp; Sensitivities</th>
<th>Housing, Energy, Communications</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Pct &lt;80% Area Median Income</td>
<td>• Pct Latino/a or Hispanic</td>
<td>• Asthma ED visits</td>
<td>• Pct Renter-Occupied Homes</td>
</tr>
<tr>
<td>• Pct &lt;100% of Federal Poverty Line</td>
<td>• Pct Black or African American</td>
<td>• COPD ED visits</td>
<td>• Housing cost burden (rental costs)</td>
</tr>
<tr>
<td>• Pct without Bachelor’s Degree</td>
<td>• Pct Asian</td>
<td>• Heart attack (MI) hospitalization</td>
<td>• Energy Poverty / Cost Burden</td>
</tr>
<tr>
<td>• Unemployment rate</td>
<td>• Pct Native American or Indigenous</td>
<td>• Premature Deaths</td>
<td>• Manufactured homes</td>
</tr>
<tr>
<td>• Pct Single-parent households</td>
<td>• Limited English Proficiency</td>
<td>• Low Birthweight</td>
<td>• Homes built before 1960</td>
</tr>
<tr>
<td>• Pct without Health Insurance</td>
<td>• Historical redlining score</td>
<td>• Pct without Health Insurance</td>
<td>• Pct without Internet (home or cellular)</td>
</tr>
</tbody>
</table>

Within this factor, both income metrics have 2x weight

Within this factor, Pct Latino/a and Pct Black have 2x weight
Scoring Approach: Combining Data

Group Indicators into **Factors** (factor scores are weighted average of indicator percentiles)

Combine Factors into **Component Scores** (also weighted averages)

Multiply components to generate an **overall score** (used to calculate a relative ranking statewide and regionally)
# Draft Disadvantaged Communities Criteria: Summary

## Geographic DAC Definition

1. The geographic definition included 45 indicators of (a) environmental exposures, burdens and climate change risks, and (b) sociodemographic and characteristics and health outcomes in the Disadvantaged Communities criteria.

2. The scoring methodology using a multi-step scoring methodology that combines selected indicators.

3. The inclusion of 35% of New York State census tracts as Geographic DACs and to automatically include tracts where at least 5% of land is federally-recognized reservation or owned by an Indian Nation.

## Individual Criteria (applicable only for investment purposes, ECL 75-0117)

4. The inclusion of statewide low-income households **only** for the purpose of investing or directing clean energy programs, projects or investments.

5. Defining low-income households as households reporting annual total income at or below 60% of State Median Income or are otherwise categorically eligible for low-income programs.

## Annual Evaluation and Review

6. Per statute, CJWG will review DAC criteria and methods at least annually.
Uses of Disadvantaged Communities Criteria

Must be prioritized in co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and in the accounting of 40% (and no less than 35%) of the overall benefits of spending in clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation and economic development.

*The State must study the barriers to and opportunities for making clean energy and protections from climate change impacts accessible in disadvantaged communities and amend the final Scoping Plan accordingly.

*The net present value of the health and climate benefits of the Climate Act from 2020-2050 are estimated to be between $90-120 billion, in addition to increasing the size of the workforce by 38% by 2030 and 54% by 2050 – NY will prioritize these benefits to achieve climate justice.
WE ACT for Environmental Justice is a 501(c)(3) nonprofit founded in 1988 to address environmental racism in West Harlem. Our mission is to build healthy communities by ensuring that people of color and/or low-income residents participate meaningfully in the creation of sound and fair environmental health and protection policies and practices.
A plan to create resilience in the face of the disproportionate impacts of climate change on poor and working class communities

- The 2015 Northern Manhattan Climate Action Plan is the result of a community-based planning process
- Includes recommendations for policy changes and informal local actions designed to mitigate environmental impacts while also addressing the systemic racism that has led to a disparity in political power for communities of color confronting the advancing effects of climate change
#NMCA
Northern Manhattan Climate Action
A Draft Plan

WE ACT for Environmental Justice
weact.org/climate
Purpose of DAC Criteria

ECL § 75-0111(1)(b)

“The [climate justice] working group, in consultation with the department, the departments of health and labor, the New York state energy and research development authority, and the environmental justice advisory group, will establish criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments related to this article”
40% Benefits Goal

ECL § 75-0117

"State agencies, authorities and entities, in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending on clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development, provided however, that disadvantaged communities shall receive no less than thirty-five percent of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments and provided further that this section shall not alter funds already contracted or committed as of the effective date of this section."

The CJWG has discussed that the 40% goal should be considered a minimum, and that non-DAC communities are still available for the remaining ~60% of funds.
Bronx Waterfront

- Closing Peaker Plants
- Investing in resilience
Energy Democracy

“...where energy is not simply a commodity, but a shared economic resource of our communities; where energy development does not destroy our ecosystem, but respects it; where energy is not an amplifier of injustice, but a resource for equity and empowerment.”

- Energy Democracy Project
Green Jobs for DACS

- 14% of solar industry is Black/African American
- Solar Uptown Now Services worker cooperative
Climate Justice in East Harlem
GET INVOLVED WITH WE ACT!

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weact.org/membership

BECOME A SUPPORTER
weact.org/donate

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weact.org/newsletter

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