

# 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

# Climate Leadership & Community Protection Act

**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.



# Timelines of Climate Act

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



Aug 2020  
Climate Justice WG develops DAC criteria

March 9 2022  
Public Comment on Draft DAC criteria/map

July 7 2020  
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](mailto: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.”



# 1 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,  
Communica-  
tions

25 Indicators in this component



Department of  
Environmental  
Conservation

## 1

# 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



## 1

# Population Characteristics and Health Vulnerabilities: Draft Indicators

## Income, Education & Employment

- Pct <80% Area Median Income
- Pct <100% of Federal Poverty Line
- Pct without Bachelor's Degree
- Unemployment rate
- Pct Single-parent households

Within this factor, both income metrics have 2x weight

## Race, Ethnicity & Language

- Pct Latino/a or Hispanic
- Pct Black or African American
- Pct Asian
- Pct Native American or Indigenous
- Limited English Proficiency
- Historical redlining score

Within this factor, Pct Latino/a and Pct Black have 2x weight

## Health Impacts & Sensitivities

- Asthma ED visits
- COPD ED visits
- Heart attack (MI) hospitalization
- Premature Deaths
- Low Birthweight
- Pct without Health Insurance
- Pct with Disabilities
- Pct Adults age 65+

## Housing, Energy, Communications

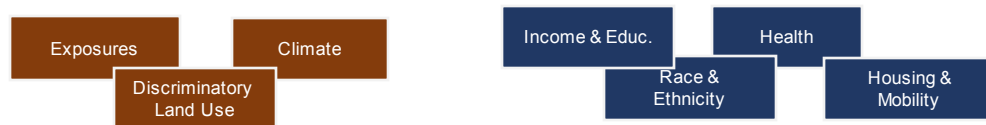
- Pct Renter-Occupied Homes
- Housing cost burden (rental costs)
- Energy Poverty / Cost Burden
- Manufactured homes
- Homes built before 1960
- Pct without Internet (home or cellular)



Department of  
Environmental  
Conservation

## 2 Scoring Approach: Combining Data

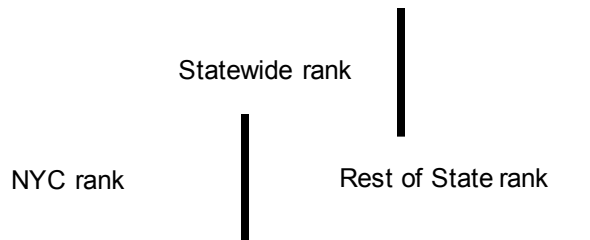
Group Indicators into  
**Factors** (factor scores are weighted  
average of indicator percentiles)



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

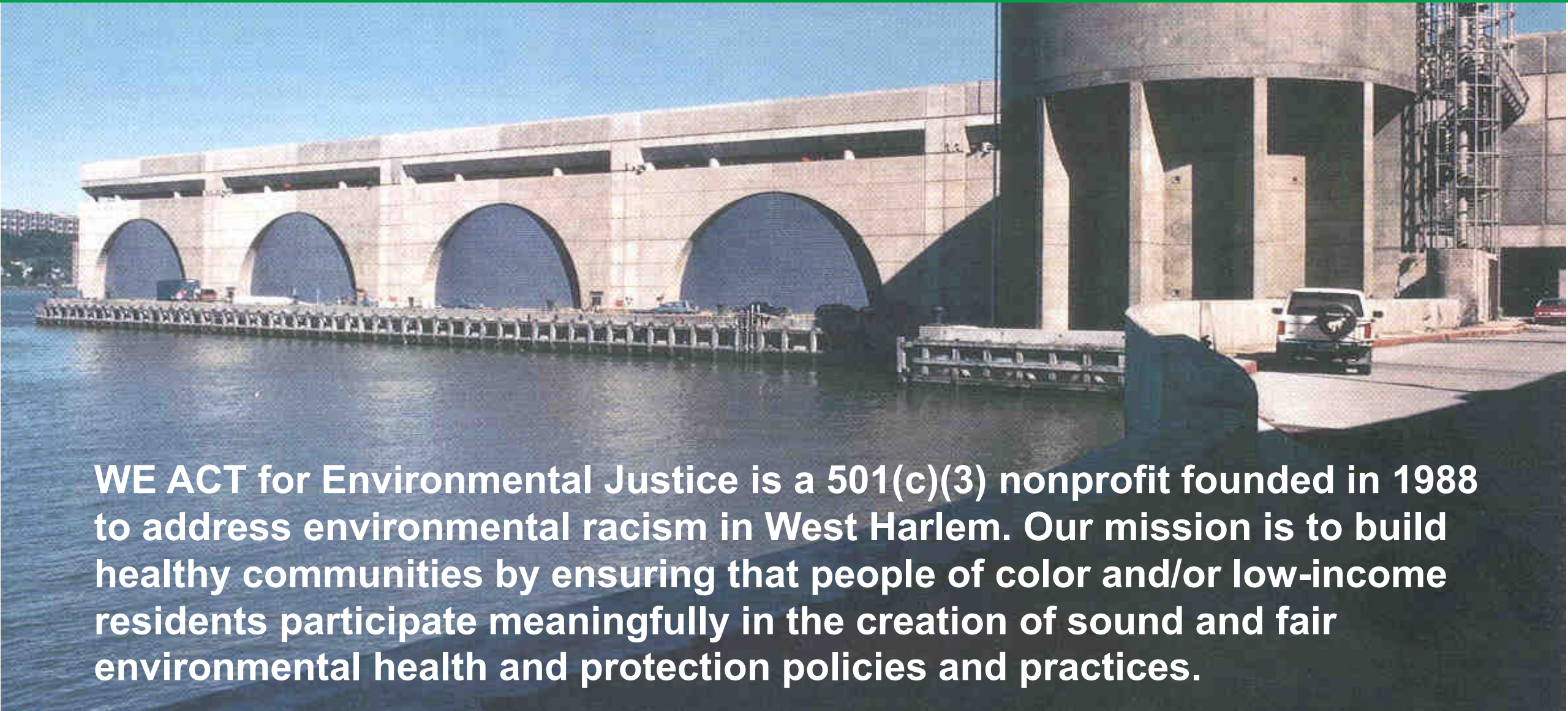
Must be prioritized in co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and in the accounting of 40%(and no less than 35%) of the overall benefits of spending in clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce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



# BORN OF VICTORY



**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.**



# NORTHERN MANHATTAN CLIMATE ACTION PLAN

- **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](http://weact.org/climate)

#### #NMCA RESILIENCE CONCEPTS

The following concepts were generated by project participants as measures that can protect our environment while reducing socio-economic inequality. Logos indicate potential partnerships, not formal agreements. Writing and layout by Asrah Khawaziz (@khwaziz), Drawings by Mateo Fernandez-Mun (@MateoF)

**Coastal Protection**  
Coastal areas, particularly those in the Hudson shown in Figure 1, are in need of green infrastructure that provides ecosystem and flood protections. NYC is currently implementing a coastal protection project worth \$3.7 billion and has released a five-year coastal resilience coastal protection plan. A Strategic More Resilient New York. The plan seeks to deepen public participation in waterfront restoration and protection by expanding the

**Waterfront Management Advisory Board** and includes pledges to undertake feasibility studies for construction and restoration of flood-prone areas. CDP has also spent over \$40 million to date on technical restoration and other coastal protection projects. What remains to be seen is how the city's developments will incorporate community-based plans or be leveraged to generate waterfront areas.

Networked technology controls energy usage and monitors environmental conditions.

**Community Land Trusts (CLT)**  
Organizing property ownership through a CLT is one way to preserve affordable housing by removing properties from the speculative market. CLTs also allow participants to collectively use space for local agriculture, energy production, recreation, and even social services such as childcare. Such shared governance structures can help rebuild the commons in terms of how we use space/resources.

**Affordable Cooperative Housing**  
The City plans to create and/or preserve 200,000 units of affordable housing between 2015 and 2025. This will be done by maximizing use of City-owned land, mandating inclusionary zoning, and providing tax incentives to developers, among other things. However, many are skeptical that these efforts will provide the necessary amount of housing at truly affordable prices (particularly for vulnerable populations such as the homeless, criminalized populations, the elderly, etc.). Therefore, new cooperative homeownership mechanisms such as community land trusts must be explored.

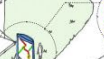
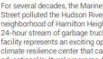
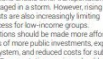
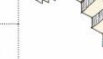
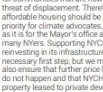
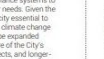
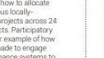
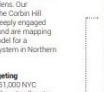
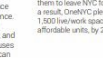
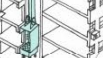
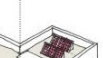
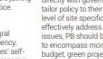
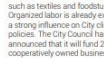
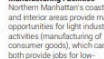
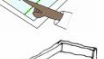
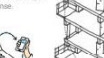
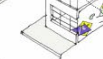
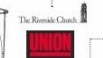
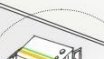
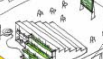
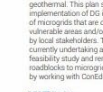
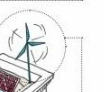
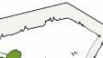
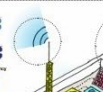
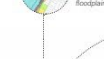
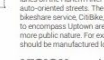
**Social Hubs**  
Community meeting spaces are crucial to support ongoing planning efforts, as they are necessary for local representatives to host educational programs, local meetings, produce materials, use for storage, etc. Having a local hub open for community use can support centralized planning and production activities while remaining grounded in local needs and capacities.

**Multipurpose Infrastructure**  
New design guidelines should be implemented so that after-hours profits from industrial activities while remaining accessible to the public. This can be done through constructing green spaces that both mitigate flood damage and support water-based transportation should be constructed. These spaces are also important for cooling the urban heat island and supporting physical activity, local agriculture, and more.

**Local Markets**  
Manufacturers, farmers, and other "makers" within the hub can sell their goods at local markets, which support non-conventional commerce, including bartering networks and alternative currencies.

**Ferry Service**  
The West Haverd Piers (pictured below) is a good location to add ferry services for daily commuters and to create alternate evacuation routes. OneNYC calls for several new ferry routes.

**Food from the Hudson Valley**  
Farms in the Hudson Valley can make use of improved waterfront infrastructure to ship food into NYC, which can strengthen NY state's economy while providing healthier food options for local food deserts. OneNYC plans to invest \$100 million in marine terminals for freight movements.





# DISADVANTAGED COMMUNITIES CRITERIA

6

## 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.



Department of  
Environmental  
Conservation

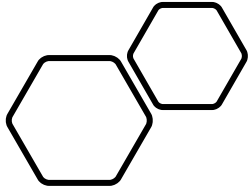




## Bronx Waterfront

- 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



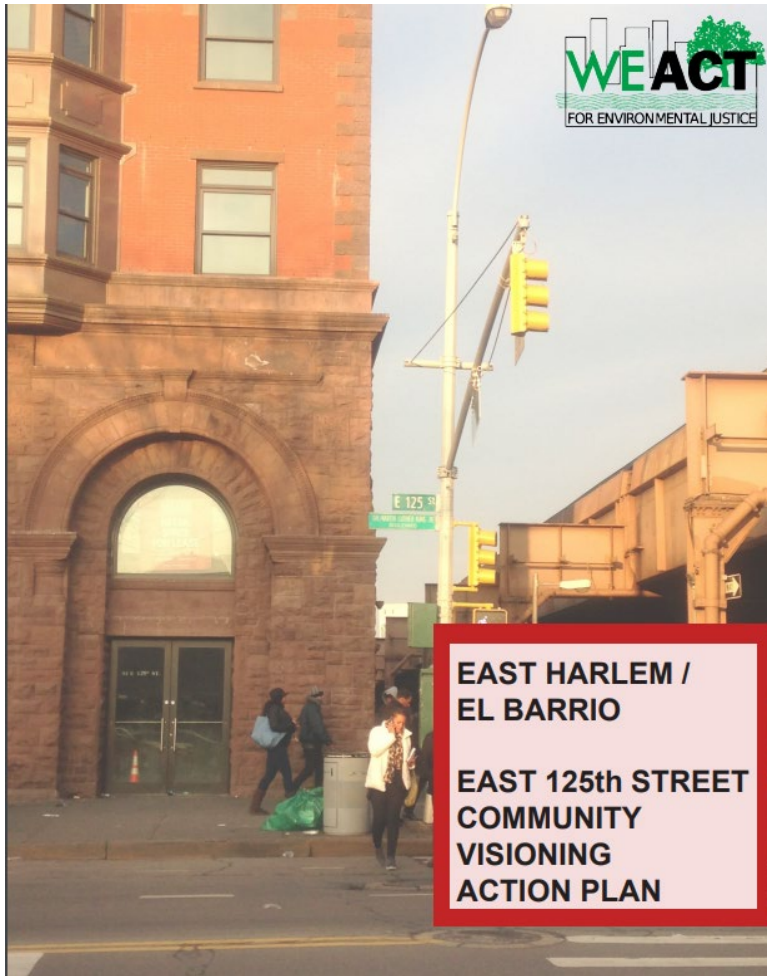


## Green Jobs for DACS

- 14% of solar industry is Black/African American
- Solar Uptown Now Services worker cooperative







# Climate Justice in East Harlem

# GET INVOLVED WITH WE ACT!

## BECOME A MEMBER

[weact.org/membership](http://weact.org/membership)

## BECOME A SUPPORTER

[weact.org/donate](http://weact.org/donate)

## SIGN-UP FOR OUR EMAIL NEWSLETTER

[weact.org/newsletter](http://weact.org/newsletter)

## FOLLOW US ON SOCIAL MEDIA

see below



### **WE ACT FOR ENVIRONMENTAL JUSTICE**

1854 Amsterdam Avenue, 2nd Floor, New York, NY 10031 | 212-961-1000

50 F Street, NW, 8th Floor, Washington, DC 20001 | 202-495-3036

Web: [weact.org](http://weact.org) | Facebook: [weactforej](https://www.facebook.com/weactforej) | Twitter: [weact4ej](https://twitter.com/weact4ej) | Instagram: [weact4ej](https://www.instagram.com/weact4ej)