



Comments on the NYS Climate Action Council's Draft Scoping Plan

**Submitted by Jen Metzger, PhD, Policy Director,
New Yorkers for Clean Power
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Introduction

First, we thank the Climate Action Council (CAC), as well as the Advisory Panels, Climate Justice Working Group, Just Transition Working Group, and the staff of NYSERDA, Department of Environmental Conservation, and other departments and agencies for the time and effort that went into developing the Draft Scoping Plan. The contents of this plan, once finalized, will set the trajectory for New York's clean energy transition, shaping how (and how well) we meet the climate and equity goals of the Climate Leadership and Community Protection Act. Scoping Plan recommendations will be incorporated into the State Energy Plan, and will also be reflected in the regulations promulgated by the Department of Environmental Conservation, as required by the climate law. The Plan's recommendations should also guide State legislation and the decision-making of every State department, agency, and authority in the coming years.

New Yorkers for Clean Power (NYCP) strongly endorses an overall strategy focused on energy efficiency and beneficial electrification of the buildings and transportation sectors, powered by a clean, renewable grid. Referred to as Scenario 3 in the Integration Analysis for the Scoping Plan, this approach is the most cost-effective, technically feasible, and environmentally-sound pathway to achieving the State's climate goals. The comments in the sections, below, express support for key Scoping Plan recommendations that align with this strategy, and include recommendations that we believe will strengthen and improve the success of this strategy.

Before getting into a discussion of sector-specific recommendations, we want to raise two broader issues at the outset that are critical to the success of New York's climate efforts: 1) paying for the plan and 2) informing and engaging the broader public.

I. Informing and Engaging the Public in the Clean Energy Transition

A most urgent issue that needs attention now, before the Scoping Plan is finalized, concerns the public's understanding of the Climate Act and the viability and benefits of shifting to a clean energy economy. We will not succeed in meeting the emissions reduction and equity goals of the climate law without public understanding and support for the kinds of transformational changes that must occur. Most New Yorkers are unaware of the Climate Act, its requirements, and the kinds of changes we will need to make in the coming years. There has been no real statewide effort to inform New Yorkers about this monumental undertaking. This **information void** is being filled by industry opponents and their well-funded astroturf campaigns, including "New Yorkers for Affordable Energy" (American Petroleum Institute, fossil gas companies, National Grid and other utilities, business organizations, and trade unions) and "Smarter New York Energy" (oil and propane industry, including distributors and businesses selling propane products). These companies are using their extensive business and customer contact lists to spread fear and misinformation about the law's requirements, Scoping Plan recommendations, and the technical feasibility of electricity-based solutions (e.g., heat pumps, EVs). The campaigns are funding TV, radio, and social media ads, billboard ads, and are shaping perceptions that will become hardened as time goes on. (Examples of a social post, billboard, and emails are included in Appendix A, at the end of these comments.)

NYSERDA must immediately contract with a professional firm to develop and implement a sustained statewide public information and education campaign, utilizing all forms of media and communication. Both a near-term and long-term public education strategy is essential, because effective implementation of Scoping Plan strategies will depend to an important degree upon the choices made by individual New Yorkers in the near-term. It will also depend upon inspiring young people to pursue clean energy careers and create the workforce needed to transform New York's economy. There are recommendations sprinkled through the Draft Scoping Plan on education, but only a paltry single paragraph is devoted to education and outreach at the end of the document. Given the importance of public support and engagement to achieving the goals of the Climate Act, an entire chapter should be devoted to this topic early in the document, in the section entitled, "Pillars of New York's Planned Climate Action to Reach Net Zero Emissions."

II. Funding Scoping Plan Recommendations

The question of how to finance the Scoping Plan's recommendations and provide the necessary assistance to Disadvantaged Communities and low-and-moderate income (LMI) households is largely unanswered in the Draft Plan. The CAC has asked for public input on economy-wide strategies to reduce greenhouse gas emissions, two of which are identified in the Draft Scoping Plan as a means of generating revenue to support State climate-related programs and

initiatives--namely, a carbon pricing program and a cap-and-investment program. We strongly urge the CAC to consider a third option: progressive, broad-based income, corporate and wealth taxes, including (but not limited to) a pied-a-terre tax, billionaire wealth tax, windfall profit tax on fossil fuel companies, and a tax on stock buybacks. Transitioning to a clean energy economy in a time of unprecedented economic inequality is exceptionally challenging, and will be more broadly embraced by New Yorkers if financed fairly and equitably without further burdening already struggling households. Concerns about the financial and distributive impacts of the climate law's implementation on rural communities is a major theme of a resolution of opposition to the climate law and Scoping Plan that was passed in recent months by rural counties and municipalities in the Catskills region.¹ Equity is central to the Climate Act and must be central to consideration of how to fund it.

III. Buildings

New York's 6+ million buildings, from single-family homes to big box stores, account for the largest share of the state's GHG emissions--32%, according to the most recent emissions inventory undertaken by the NYS Department of Environmental Conservation. Combustion of fossil fuels in homes and buildings for heating and hotwater is the main source of direct GHG emissions. The technology exists today to eliminate these emissions, and would result in significant additional benefits for indoor and outdoor air quality, public health, and safety.

The Final Scoping Plan must articulate a clear strategy to transition off utility gas and electrify buildings with energy-efficient heat pumps in conjunction with weatherization and other building improvements. NYCP offers comments, below, on key sections of the Draft Scoping Plan related to buildings.

1. Prohibit fossil fuel heating & equipment in new buildings.

NYCP strongly supports the Scoping Plan's recommendations for all-electric codes for new construction, with one modification regarding mixed-use buildings:

- All new residential and **mixed-use (residential/commercial) buildings** under five stories should be required to be all-electric, beginning in 2024;
- All-electric codes should be extended to all residential and commercial building types by 2027.

Many buildings in cities and villages across the state are mixed-use, with commercial spaces on the ground floor, and should be explicitly included with residential buildings under five stories within the 2024 timeframe.

¹ <https://www.greenegovernment.com/scoop/opposition-clcpa-draft-plan>

2. Include zero-emissions standards for end-of-life replacements of fossil equipment in conjunction with financing and education programs to affordably weatherize and upgrade buildings.

NYCP supports the Draft Scoping Plan's recommendations and 2030/2035 timeframe for zero-emissions standards to replace fossil fuel equipment in existing buildings at the useful life, with an important qualification: The Final Plan must include stronger provisions that support and encourage the necessary investments in weatherization and building improvements in advance, and ensure that compliance with zero-emissions standards does not create an undue financial burden, particularly for low- and moderate-income households.

To support households and businesses in this transition, we urge the Climate Action Council to include recommendations in the Final Scoping Plan to:

- **As soon as possible, launch a major, sustained statewide public education and information campaign to support climate-friendly choices by consumers for building improvements and equipment.** Most people are unaware of the benefits of these improvements in terms of economic savings, health, and comfort, and are also unaware of existing federal, state, and utility incentives. A public education campaign is critical to helping New Yorkers make the right choices and decisions at the right times, as well as to countering the widespread misinformation about heat pumps that is being promoted by utilities and the oil, propane, and gas industry through well-financed astroturf campaigns.
- Immediately ramp up *easily-accessible* incentive programs to encourage households and residential building owners to weatherize and undertake electrical upgrades in preparation for future electrification. The Draft Scoping Plan does not adequately plan for the necessary building improvements that must first be made in existing buildings--weatherization and other improvements that are critical to the right-sizing of heat pump systems and to reducing monthly energy bills.
- Require an energy audit and basic weatherization and electrical service upgrades as a condition of home sales.
- Ensure cost parity with fossil systems before 2030 in upfront costs for electrification, with incentives and financing assistance as necessary. The Integration Analysis concludes that 1-2 million buildings will need to be electrified in the next eight years to stay on track to meet emissions reduction goals. This will not happen without the necessary financial incentives.
- **The lowest hanging fruit at present are buildings that are reliant on oil and propane, accounting for about 19% of buildings.** A strategy that specifically targets these building owners with information and improved incentives would decarbonize the largest number of homes at the lowest cost by 2030. This group, together with low-and moderate-income households, should be the priority near-term focus. Central Hudson Gas

and Electric, this writer's utility, cut incentives for air-source heat pumps in half in February 2022, which will only serve to slow adoption of these systems..

3. End fossil fuel infrastructure expansion.

NYCP supports the Draft Scoping Plan's recommendations to align Public Service Law and Transportation Corporation Law with the Climate Act, eliminating the requirement of utilities to supply gas service to anyone who requests it, **and we urge that the Final Scoping Plan include a clear directive to the Legislature to make the necessary amendments no later than January 2023.** We further recommend that the Final Scoping Plan **direct the Public Service Commission to prohibit utilities from expanding the gas distribution system into new geographic areas**, which is clearly contrary to the emissions reduction requirements of the Climate Act. The Commission should be directed to do so as soon as the PSL and TLC are amended.

4. Initiate a managed transition from utility gas to clean heating and cooling in existing buildings to be completed by 2050, with an interim target of 2 million decarbonized buildings by 2030.

NYCP supports the Draft Scoping Plan's recommendation to develop a plan for a managed and equitable transition to clean, efficient heating and cooling systems that maintains affordable, safe, and reliable utility service and protects low- and moderate-income households from an undue burden in the transition. We urge the Climate Action Council to include in the Scoping Plan the provisions of **Gas Transition and Affordability Act (S.8198)** to inform the planning processes underway in the CLCPA and Gas Planning proceedings of the Public Service Commission.

We urge the CAC to include language in the Final Scoping Plan that explicitly rejects false solutions like renewable natural gas (RNG) and hydrogen as a replacement for fossil gas in building equipment and appliances. RNG contributes to air pollution and cannot be produced in sufficient quantities in New York to replace fossil fuels, increasing our state's dependence on imports and potentially subjecting utility customers to the kind of supply price volatility typical of fossil gas. Regarding hydrogen, the production process is polluting, and its distribution would require costly new pipeline infrastructure and building appliances. Producing green hydrogen in sufficient quantities for buildings is infeasible because of the substantial additional renewable energy resources that would be required on top of what is already needed to decarbonize the electricity grid. **Both RNG and hydrogen are being promoted by utilities and the fossil fuel industry as solutions for buildings in an effort to prolong use of fossil fuels and related infrastructure, and should be rejected.**

5. Commit at least \$1 billion annually to support energy efficiency and electrification for Disadvantaged Communities and low- and moderate-income households.

NYSERDA has estimated that \$1 billion annually is the minimum investment required to make the necessary improvements to LMI homes. The \$250 million in current State and utility spending is woefully inadequate to meet the need. As discussed in the introduction to these comments, we strongly urge consideration of progressive taxation to raise the necessary revenue. A pied-a-terre tax, alone, which is directly tied to over-consumption in the buildings sector, has been projected by the Assembly Ways and Means Committee and the Fiscal Policy Institute to raise a minimum of \$650 million a year or more.

NYCP also supports the Draft Scoping Plan's recommendation to create a revolving loan fund for building decarbonization and the reuse of buildings and building materials, modeled on the Clean Water State Revolving Fund.

IV. Transportation

Transportation accounts for 28% of New York's emissions, mostly from the cars, SUVs, pickups, and other personal vehicles New Yorkers drive to get from place to place. Close to two-thirds of transportation emissions are from light-duty vehicles, according to the Transportation Advisory Panel to the CAC. Emissions from medium- and heavy-duty vehicles, while accounting for a smaller share, have an outsized impact on public health, particularly in Disadvantaged Communities, because of the co-pollutants they emit, including fine particulates, nitrogen oxides, and carbon monoxide.

Pollution from transportation is a major environmental justice issue: Transportation infrastructure, including highways, truck freight routes, and bus depots, have historically been sited in or adjacent to low-income communities and communities of color, and these communities suffer disproportionately from related health impacts, including asthma, cardiovascular diseases, and other major health problems.

The Draft Scoping Plan notes the crucial importance of early action and investment--beginning now--to ensure the availability and affordability of the technologies that will reduce transportation emissions. With this in mind, NYCP offers the comments, below, in three key categories of solutions: electrification, public transportation, and reductions in vehicle miles traveled.

1. Transportation Electrification

According to the Integration Analysis, to stay on track to meet the emissions targets of the Climate Act, three million electric vehicles (EVs) will need to replace gas powered vehicles by

2030. With just 45,000 zero-emissions cars on the road in New York today, reaching this near-term target will not be possible without making EVs more affordable relative to gas-powered cars, and without accelerating the build-out of charging infrastructure. Public education is also critical: NYCP urges the CAC to include a **statewide education and public information campaign on transportation electrification** to counter misinformation and empower consumers to make the right choices.

NYCP supports the Scoping Plan recommendations to:

- Establish a "feebate" on vehicle purchases to accelerate the shift to EVs. Price parity between EVs and gas-powered cars is expected later in this decade, and in the interim, a fee on the sale of new gas-powered cars to pay for higher incentives for EVs would encourage wider adoption of EVs. Incentives should be higher for low- and moderate-income customers, and should be extended to used EVs, which are the only affordable option for many.
- Enable direct-to-consumer sales by electric car manufacturers to reduce barriers to purchasing an EV.
- Amend building codes to require new buildings to be EV-charging ready. **NYCP further recommends that the Final Scoping Plan require new commercial and multifamily buildings with over 10 spaces to include EV charging facilities.**
- Adopt regulations similar to California's proposed Advanced Clean Fleets regulation to reach 100% sales of zero-emissions medium- and heavy-duty vehicles by 2040.
- Provide enhanced State incentives for the purchase of zero-emissions trucks, giving preferences to fleets adversely impacting Disadvantaged Communities.
- Expand charging infrastructure, with a particular focus on investments in Disadvantaged Communities, multifamily buildings and large employers.
- Direct utilities to address demand charges that discourage public charging facilities, and to design rates and programs to incentivize off-peak charging.
- Require the New York State passenger fleet to be all electric by 2035. (At the time of writing, legislation to do so has passed both houses but has not yet been signed into law.)

In addition, NYCP makes the following recommendations to the CAC to strengthen Scoping Plan provisions regarding **public transportation electrification**:

- The Final Scoping Plan should recommend passage of the **Green Transit, Green Jobs bill** (S.3535C/A.3090A), which would require all new transit agency purchases to be zero-emissions by 2029, including transit buses and paratransit vehicles. As recommended in the Draft Scoping Plan, the State should work with municipal transportation systems on a plan to electrify at defined replacement schedules.

- **Provide dedicated State funding and technical assistance** to electrify municipal bus systems outside of the MTA service area, particularly for small-city and county transit systems.

2. Public Transportation

- Incorporate into the Final Scoping Plan the Transportation Advisory Panel's target to double the accessibility and availability of public transportation in upstate communities, as well as down-state suburban communities.
- Direct appropriate State agencies, departments, and authorities to develop a strategy to support expansion of public transportation, including innovative on-demand microtransit services, in underserved counties.

3. Reducing Vehicle Miles Traveled

NYCP supports Scoping Plan recommendations to:

- Develop tax credits for businesses to support low-carbon commuting solutions for employees (e.g., bike-sharing and discounted employee transit passes). NYCP further recommends that the Final Scoping Plan include incentives for telecommuting.
- Expand low/zero-carbon transportation alternatives for first and last mile by 1) prioritizing alternatives agency and authority decisions, 2) prioritize local projects to support non-motorized alternatives (e.g., walking, cycling). Require the NYS Department of Transportation to update its guidance and regulations to better support low/zero carbon transportation.

We further recommend that the Final Scoping Plan include a recommendation to require State economic development funding and IDA incentives to adhere to criteria supporting smart growth, transit-oriented development, Complete Streets, and low-carbon and no-carbon commuting solutions.

We also urge the CAC to include a recommendation to the NYS Department of Transportation (DOT) enabling local governments to set lower speed limits on all roads, including stretches of state roads within their jurisdictions. The Main Streets of many rural communities are also state roads, and traffic speeds pose major pedestrian and cyclist safety issues. Many communities want to lower speed limits for these reasons, and their requests to DOT are routinely denied.

V. Electricity

While electricity generation accounts for just 13% of the state's GHG emissions, electricity is the linchpin for New York's clean energy transition, powering the technologies that will replace fossil fuels in buildings and transportation. Most of the electricity-based replacements--electric vehicles, heat pumps for heating and hot water, induction stoves--will happen when fossil fuel-powered vehicles, equipment, and appliances reach the end of their useful life in the coming decades. If these replacements are to be truly emissions-free, the electricity grid that powers them must be clean and renewable. The Integration Analysis estimates that demand for electricity will increase by 80% by 2050 to meet these new needs, which means that New York must ramp up renewable energy production significantly in the coming decades. At the same time, the state must *wind down* fossil fuel power plants, and eliminate fossil fuels from the grid entirely by 2040, as required by the Climate Act.

Shifting to a carbon-free grid will provide multiple benefits to New Yorkers, beyond the climate benefits, including improved air quality and public health, particularly in Disadvantaged Communities, where fossil fuel infrastructure has historically been sited.

NYCP offers the comments, below, to support and strengthen the recommendations of the Draft Scoping Plan regarding the power sector.

1) Phase out fossil fuels in electricity generation by 2040.

Many of New York's fossil fuel-fired power plants are already at retirement age, including most gas turbines (72%), according to the study by the Just Transition Working Group. NYCP supports the process delineated in the Scoping Plan for promulgating regulations that ensure a continual decline in GHG emissions from power plants, reaching zero by 2040. The Final Scoping Plan must also:

- Prioritize retirement of fossil fuel-fired plants whose emissions disproportionately harm Disadvantaged Communities, consistent with the Climate Act.
- Ensure protections for all communities facing plant closures, including:
 - Training and supportive services for displaced workers, beginning well before plant retirement, to enable a smooth job transition. Power plants and utilities should be required to fund workforce training for their employees, now, to expand their knowledge and skill set in preparation for clean energy industry jobs.
 - Sufficient funding of the Electric Generation Facility Cessation Mitigation Program to reduce the local property tax impacts of plant closure on municipalities and school districts.
 - Plant-owner responsibility for the costs of site remediation.
- **Encourage re-use of power plant sites for battery storage**, as recommended by the Just Transition Working Group. Reuse of sites for storage would not only support the clean energy transition but would also help mitigate the revenue and jobs impacts of plant closure.

- 2) **Deny new gas infrastructure permits** to avoid increases in GHG emissions and creation of more stranded assets.

- 3) **Accelerate renewable energy development to reach the Climate Act's near-term target of generating 70% of electricity from renewable resources by 2030.**
 - NYCP supports the Scoping Plan's recommendation directing the NYS Office of Renewable Siting to set annual goals for megawatts of renewable resources to be permitted each year through 2030.
 - Building on the Scoping Plan's recommendation regarding research and incentives for "agrivoltaics," or the integration of solar with agricultural production on the same land, NYCP has joined Scenic Hudson and other organizations in submitting separated Scoping Plan comments recommending development of a **New York Agrivoltaics Program**. Agriculture and renewable energy can be complementary and mutually-supporting land uses, and agrivoltaics has great potential to minimize land-use conflicts and strengthen community support for renewable siting.

- 4) **Support high-value renewable projects that contribute to equity, resilience, and smart land use.** NYCP supports Scoping Plan recommendations to:
 - Prioritize pairing of solar with electrification in low-income housing, and expanded opportunities for low-income participation in community renewable energy..
 - Develop incentives to encourage solar projects on rooftops, over parking lots and on brownfields to be paired with battery storage.
 - Direct utilities to expand hosting capacity to better support distributed renewable energy. **When making distribution system upgrades, utilities should consider locations for solar identified by local governments through mapping and land-use planning, as well as optimal siting areas from a land-use perspective, such as capped landfills and other brownfields.** Adding these considerations to the process will enable optimal land use and build support by local communities for renewable siting more generally.
 - Direct utilities to speed up the pace of processing interconnection applications so that investments can be made in a timely manner.

- 5) **Provide communities with the support they need to partner in the renewable energy transition.** NYCP supports Scoping Plan recommendations to:
 - Provide resources and assistance to local governments to streamline permitting and zoning for renewable energy.
 - Develop a Clean Energy Development Mapping Tool for local governments to help them plan/site renewables.
 - Encourage Community Choice Aggregation (CCA) programs to 1) support 100% New York renewable energy for supply; 2) integrate community renewable energy and other

local energy programs; 3) include programs for low-income customers; and 4) engage in robust public energy education. **NYCP strongly supports the recommendation of the Scoping Plan directing the Public Service Commission to authorize Counties, and not just Villages and Towns, to form CCAs.**

- Expand benefits to communities hosting large-scale renewable projects, and tailor those benefits to community needs and priorities.

6) Ramp up battery storage development and demand-side solutions to reduce peak demand and enhance grid reliability.

NYCP supports Scoping Plan recommendations to:

- Expand the Clean Energy Standard to include battery storage (or create a separate Storage Standard), requiring utilities and energy suppliers to procure increasing amounts of battery storage over time as the grid becomes more reliant on solar and wind.
- Promote clean-energy solutions to reduce peak demand and maintain grid reliability, including geothermal heating and cooling and demand response programs.

VI. Waste

The municipal solid waste generated in New York--everything from the leftover food on our plates to discarded paper to ubiquitous single-use plastics--accounts for 12% of the state's GHG emissions. This number does not take into account the life-cycle emissions of the products and packaging we use, and so does not begin to capture the enormous carbon impact of the industries involved. A recent analysis by the organization, Beyond Plastics, found that the U.S. plastics industry was responsible for at least 232 million tons of carbon dioxide-equivalent (CO₂e) gas emissions per year as of 2020, and is on track to surpass the coal industry's impact on climate in the next eight years.² As the Scoping Plan notes, "the most significant GHG emissions impact during the lifecycle of products and packaging result not from disposal, but production of products and packaging that become waste."³

According to the Draft Scoping Plan, New York generates more than **18 million tons of municipal solid waste** annually, **or 1,850 pounds for every person that lives in the state (five pounds per person per day!)**. The vast majority of waste (including waste that is exported) is landfilled or incinerated--only 18% of New York's waste is recycled.

²Beyond Plastics, The New Coal: Plastics & Climate Change, October 2021. Download the full report here: <https://www.beyondplastics.org/plastics-and-climate>.

³ Scoping Plan, p. 236.

Plastics recycling is a particularly notorious problem: Half of the plastic items produced are single-use--things like packaging, straws, and utensils that are used once and thrown away. From there, this waste is either incinerated, landfilled, or littered, polluting air and water as well as the human body.⁴ Less than 9% of plastics worldwide are actually recycled, and much of the waste bound for recycling is exported to developing countries that lack the resources and safeguards to manage it safely.

New York burns almost as much waste as it recycles. Waste incineration (including waste-to-energy, or WTE) is highly polluting and can harm human health. It is also the most expensive means of managing waste.⁵ The environmental and health burden of incinerators disproportionately affects low-income communities and communities of color, where waste incineration facilities are typically sited.

NYCP offers the following comments on waste recommendations:

1) The Final Scoping Plan should recommend a statutory target of 2030 to end combustion and landfilling of municipal organic waste, with timetables for a phase-down. As the Integration Analysis for the Climate Action Council shows, 100% diversion of organic waste from landfills by 2030 will be necessary to meet the State's emissions reduction requirements.

To help reach this target, the Final Scoping Plan should:

- Strengthen the Food Donation & Food Scraps Recycling Law. Under current law, businesses and institutions that generate two tons of waste or more per week are required to donate the edible portion of their waste and recycle the rest if within 25 miles of an organics recycling facility. The two-ton threshold should be reduced to one ton by 2024 and a half ton by 2026. (Massachusetts has had a one-ton threshold in place for years, and is reducing it to a half ton in November 2022.) Broaden the law to apply to hospitals, nursing homes, and K-12 schools.
- Require a per/ton surcharge on all waste to fund reduction, reuse and recycling programs, as recommended by the Scoping Plan, while also expanding policies and programs to encourage backyard residential composting and on-site composting at institutions and

⁴Also see a report of the National Academy of Sciences, Engineering and Medicine, *Reckoning with the U.S Role in Global Ocean Plastic Waste*, December 2021:

<https://nap.nationalacademies.org/read/26132/chapter/1>.

Heather A. Leslie et al., "Discovery and quantification of plastic particle pollution in human blood," *Environment International*, 3/24/22:

<https://www.sciencedirect.com/science/article/pii/S0160412022001258>.

⁵ See GAIA, "The High Cost of Waste Incineration,"

<https://zerowasteworld.org/wp-content/uploads/The-High-Cost-of-Waste-Incineration-March-30.pdf>

large generators.

- Expand local financial assistance for organics recycling infrastructure and successful models of organics collection programs, especially for multifamily and public housing.
- Require local solid waste management planning to incorporate food scraps recovery for food pantries and programs to feed the food insecure. The Municipal Waste Reduction and Recycling Program must be funded at a level adequate to support composting programs and recovery of food scraps.
- Develop a plan to support markets for compost and encourage its use by farms as an alternative to synthetic fertilizers.
- Support the development of appropriately-scaled organic recycling facilities on farms, which could provide a revenue stream for farmers while encouraging the use of compost.

2) Develop a target date and timetable for phasing down waste incineration, and end renewal of 20-year permits for existing facilities.

3) Prioritize waste reduction & reuse of plastics and textiles. NYCP supports the Draft Scoping Plan recommendations below, in some cases with suggested modifications.

- Enact an **Extended Producer Responsibility (EPR) program for packaging** that:
 - Requires companies to cut production of plastic packaging by 50% by 2030;
 - prohibits toxics in packaging and requires use of safer alternatives;
 - provides strong oversight and accountability by the NYS Department of Environmental Conservation;
 - requires that companies pay fees based on the degree of difficulty of packaging recycling and the extent of recycled content. Fees can help compensate communities for recycling costs and support reuse and recycling programs.
- **Prohibit incineration of plastics waste and all types of plastic burning (including "chemical recycling")**. The combustion of plastics not only contributes GHG emissions but also generates many other types of harmful emissions damaging to public health--particularly in disadvantaged communities, where incinerators tend to be sited.
- Develop EPR programs for other products, including solar panels and wind turbines, all batteries, appliances, and household items like mattresses and carpets.
- Enact **"By Request Only"** legislation for plastic straws, stirrers, utensils, and individually packaged condiments, and **require reusable/refillable** options in retail outlets.
- Enact legislation to **reduce and phase out single-use packaging**.
- Implement **comprehensive textile waste reduction and recycling**.

4) Update, strengthen and expand recycling laws, regulations and incentives.

- **Extend the "Bottle Bill" to wine, spirits and non-carbonated beverages, and increase the deposit from five cents to a dime.** Create other container deposit programs to encourage recycling/reuse.
- Require a **minimum level of recycled content** in packaging and in certain products.
- Develop and enact **state procurement standards** for recyclable products.
- Enact a **production tax credit** to encourage companies turning recyclable materials into intermediate products to locate facilities in New York.
- Provide support and financial assistance to municipalities/counties to improve code enforcement for recycling programs, and for the development of local reuse centers, material exchanges, and repair shops.

VII. Workforce Development

The Jobs Study of the Just Transition Working Group estimates that meeting New York's climate goals would result in a net increase of 179,000 jobs by 2030. Yet unless New York begins immediately to develop this workforce, trained workers will not exist to fill these jobs, making it impossible to shift to a clean energy economy in the timeframe under the climate law.

NYCP is a member of the Climate and Clean Energy Education and Careers Working Group, which has submitted comments on workforce development and training to the CAC, and we direct you to those comments.

Conclusion

NYCP appreciates the opportunity to comment on the Draft Scoping Plan, which provides a strong foundation for the final version. The Final Scoping Plan will have an important impact on the trajectory of New York's clean energy transition and is of monumental importance to the implementation of the Climate Act. We hope that you will consider the recommendations offered in these comments to strengthen the Plan and put New York on a path to achieving the kind of transformational change necessary for a healthy, equitable, sustainable, and prosperous future.

Appendix A: Examples from Industry Astroturf Campaigns

Example 1, posted on NextDoor app in a community by a local patio/hearth store:

1:28 74%

The national Hearth Patio & Barbecue Association (www.hpba.org) has important information - New York State is only one of many facing these issues. Click on the Advocacy tab.

IMPORTANT: Did you know that there is a proposed ban on natural gas, propane, and oil equipment in new homes by 2024 as well prohibit traditional heating systems in existing homes by 2030 as many other interesting measures in NY's Climate Plan? We feel it is important to inform our clients.

The New York Climate Leadership and Community Protection Act (CLCPA) has been passed! The draft has been written and it includes:

- Moratoriums on new gas infrastructure - immediately
- NO new natural gas service to existing buildings - immediately
- Prohibit natural gas, propane, and oil equipment in new homes by 2024
- Prohibit traditional heating systems in existing homes by 2030
- Ban use of natural gas appliances (dryers/stoves/etc) in homes by 2030.
- NO GASOLINE VEHICLES sold in New York by 2035.

The only way to amend this draft is to establish a record of public comment. Public comments are being accepted now. It is imperative that New Yorker's build a record of comment. The Climate Action Council (CAC) can only make changes to the CLCPA based on the record in front of them. Therefore, it is very important that you click the link below & send this letter to the Governor Hochul and the CAC to create that record.

CLICK HERE:
<https://hpba.quorum.us/campaign/38462/>

It is VERY important to understand a couple of things:

- The Draft, as written, is not unanimous but it has been "passed."
- The Draft can only be changed based on the record that is created through public comments, SO people who want it changed MUST SUBMIT COMMENTS.
- There is NO vote for New Yorkers on the final version of CLCPA. Once the final draft is created (redrafting will begin May 1) only the CAC and Governor Hochul vote on its passage. So again, a record MUST be created or they get to vote on this as written.

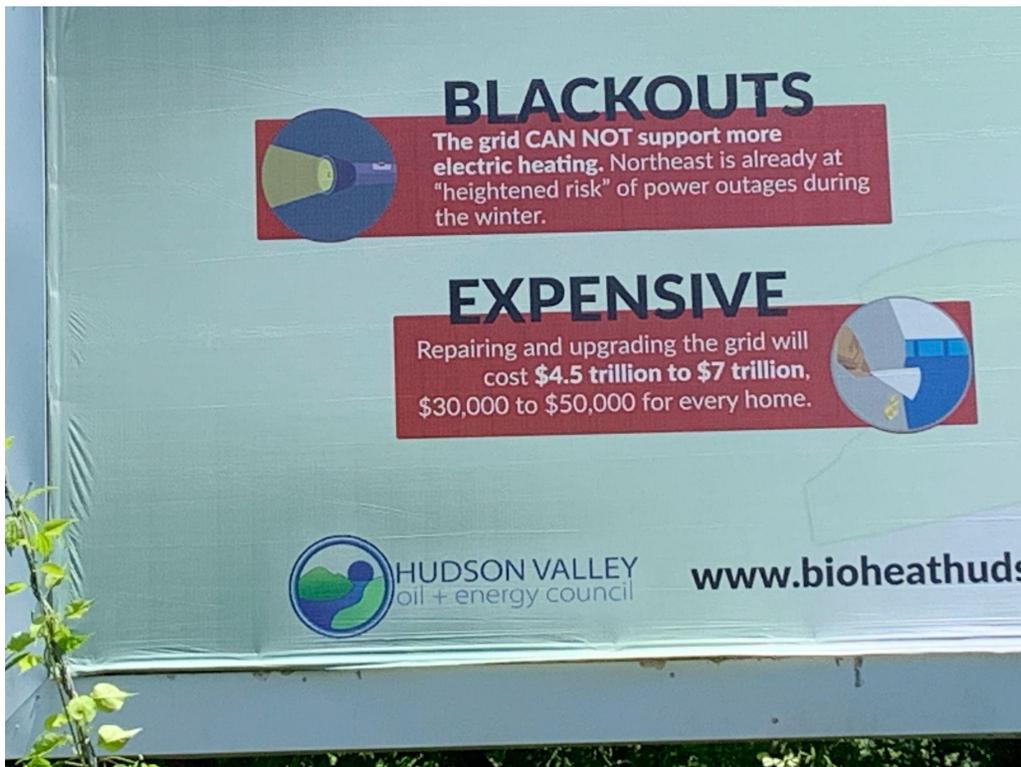
SHARE THIS LINK with family, friends, employees, subcontractors, other business people you know! In the body of the letter, feel free to edit the first sentence: Change business owner, homeowner, add resident, add doing business in NY -- whatever is appropriate.

Please act now!

Thank you,
Lauri Kennedy

Hearth, Patio & Barbecue Association | HPBA
hpba.org

Example 2: Billboard on Route 32 in Rosendale



Example 3: email from Combined Energy Services to customer:

New York's Energy Plans Could Prove Disastrous

Dear Friend,

Like many of you, we are concerned about climate change and support smart action to reduce carbon emissions. Unfortunately, NY's proposed plans to "electrify everything" could prove disastrous.

Speak Up for Your Energy Future

The proposed climate action plans would fundamentally change how you heat your home, drive your car and cook your food. They will force you to switch to electric cars, heat pumps and stoves, no matter how much they cost or how poorly they perform. They would lead to extreme new "Carbon Taxes," and send all energy prices soaring.

What's more, the reliability of our electric grid could be severely compromised. New York already has the most power interruptions in the Mid-Atlantic. Transitioning to an all-renewable electric grid so quickly while vastly increasing electricity demand is downright dangerous.

It's Time to Make Your Voice Heard!

NY's Climate Action Council is now accepting public comments on their proposed "scoping plans." It's time to say **NO** to higher energy costs, unreliable home heating and a dangerously overburdened power grid. We need an energy plan that doesn't put all our eggs in one fragile, expensive electric basket.

Go to SmarterNYEnergy.org to learn more. If you agree these plans go too far, click on the [TAKE ACTION](#) button to make your voice heard.

Sincerely,



Example 4: Email from Bottini Fuel to customer:



New York's Energy Plans Could Prove Disastrous **Comment by June 10th**

Dear Friend,

Like many of you, we are concerned about climate change and support smart action to reduce carbon emissions. Unfortunately, NY's proposed plans to rapidly "electrify everything" could prove disastrous for NY families and the state economy. If you don't [make your voice heard](#) now, it could be too late.

Dangerous Path

In 2019, then Governor Andrew Cuomo quietly pushed through the country's most radical carbon emissions law. It empowered a Climate Action Council (CAC) to come up with plans to rapidly cut carbon emissions. Most of the public doesn't even realize this is happening, yet we only have until **June 10** to comment.

If their "scoping plans" are adopted, you will ultimately be forced to switch to electric heat pumps, stoves and cars, no matter how much they cost or how poorly they perform. Proposed bans don't just apply to new buildings- they cover everyone. They also plan on instituting extreme "carbon taxes" on natural gas, heating oil and propane gas, and surcharges on equipment.



Extreme Costs and Risks

The typical cost just to convert a home to heat pumps is upwards of **\$20,000**. Upgrading your home for electric cars can add even more. Expect electric rates to soar as new demand outstrips our capacity to produce power. Those who can afford it the least will be hurt the most.

In fact, the reliability of our entire electric grid could be severely compromised. New York already has the most power interruptions in the Mid-Atlantic. Transitioning to an all-renewable electric grid so quickly while vastly increasing electricity demand is downright dangerous.

Speak Up Now

NY's Climate Action Council is only required to accept public comments until **June 10**. The political community is closely watching these comments. It's time to say "**Not So Fast**" to higher energy costs, less reliable home heating and a dangerously overburdened power grid.

We need a balanced energy plan that doesn't put all our eggs in one fragile, expensive electric basket. Traditional fuels like natural gas, propane gas, and biofuel heating oil, which are becoming **increasingly renewable**, have an important role to play in safely and cost effectively reducing our carbon output.

We want to reduce carbon emissions. We just don't want to do it in way that will cause backlash, disruptions and economic hardship.

SmarterNYEnergy.org

TAKE ACTION

