



To: The NYS Climate Action Council
From: [Bedford 2030](#)
Re: Scoping Plan Comments from (June 2022)

Following is a digest of comments from Bedford 2030 and community partners that highlight what we view to be the highest priority strategies in the Plan as well as action areas where we see a significant opportunity and/or critical need to expand the recommended solutions to achieve the Climate Leadership and Community Protection Act goals.

Chapter 8 - Public Health

The Public Health section, Chapter 8, has been structured as a catchall for the reporting of health studies related to pollution and air quality, with ties to their origins being mainly from the burning of fossil fuels. It does little to expand on the health benefits of GHG mitigation introduced in Chapter 2.

Each of the categories within the chapter further summarize the goals of reducing the use of fossil fuels but the individual sections on Power Generation, Transportation, and Buildings and the Built Environment offer little substance about the health impacts that could otherwise drive the climate action being recommended elsewhere in the Scoping Plan.

We strongly urge the NYS Climate Action Council to consider improvements in public health as a **primary driver** of climate action.

Specifically, this Health chapter should emphasize the cost of negative public health outcomes from the unhealthy environment (including factors beyond air quality, such as the nutritional value of food) with actual metrics (including direct costs of healthcare, indirect costs associated with loss of productivity or workers sickened from the environment and the costs associated with children missing school, etc.).

Chapter 11 - Transportation

Bedford2030 is very supportive of the aggressive 2030 and 2050 ZEV adoption goals, improving adoption through reducing costs of new and used EV's and creating the infrastructure needed

for electrification. A statewide (and interstate) plan for the latter is critical to driving this transition.

We also believe it is critical that the state lead the charge by electrifying public transport. We support the emphasis on developing, improving and increasing accessibility to low-carbon transportation modes - public transportation, biking and pedestrian ways, especially in LMI communities. We support the legislation passed by NY state to date and encourage future aggressive action to reach our goals.

A NYS state plan for funding, financing and incentives will be paramount to achieving the goals outlined in the plan. Providing financial, planning, technical and research support, and a framework is necessary for counties and municipalities to transition to electric and low-carbon transportation.

Additional Notes:

- With an emphasis on electrification, there is little discussion in the scoping document on grid capacity and improvement. The ability for the grid to sustain charging, particularly fast charging, is an essential component of vehicle electrification.
- Clean Fuel Standard - we understand the necessity but making legislation that allows for cleaner fossil fuels needs to have a sunset clause. We do not support a long-term plan that includes fossil fuels.
- We strongly support legislation to expand direct to consumer sales of ZEV's. We would recommend dealer incentives to franchise dealers not only to sell ZEV's but also upon completion of educational programs to educate their salesforce about electric vehicles, how they work and why consumers should consider them instead of a fossil fuel vehicle from a health, safety, maintenance and environmental standpoint. Salespeople should also be educated and complete training to provide consumers insight on the infrastructure required to charge vehicles at their homes or apartments
- We strongly support the emphasis on providing charging at multi-unit dwelling, especially in Disadvantaged Communities.
- We strongly support research to maximize the value of ZEVs as grid-interactive assets and storage devices, including the concept of vehicle to grid charging, especially in larger vehicles.
- Given the amount of discussion regarding zero-emission school buses, we would recommend including greater detail on that transition plan and funding for zero-emission school buses as part of the final plan.

- We would recommend including green hydrogen as a fuel option and have NYS incentivize using hydrogen as part of a dual fuel system in diesel trucks during a transition period.

Chapter 12 Buildings

While state codes will likely eliminate fossil fuel use in New Construction, the existing buildings of NYS, which represent the largest single source of emissions, are a massive challenge that requires new thinking and a dedicated funding source due to the sheer scale of the opportunity and associated upfront costs. While the recommendations from the council listed below are sound, we feel additions to the recommendations are warranted as the sheer scale of this once in a generation opportunity will overwhelm more limited, business as usual approaches.

We request:

- 1) A 30-year, long term and permanent existing-building State policy to give the private market service providers and supply chain providers direction and assurance to invest in scaling their services/products and to guide building owners in their building investment decisions
- 2) A NYS public authority revolving fund dedicated to ensuring massive pools of capital are accessible to all buildings regardless of the credit quality of the owner. Much like how the public benefit of clean water is provided to all NYS residents, a similar approach is essential to fund needed building improvements across all NYS's building stock.
- 3) Existing building policy must also include a comprehensive approach to identify and target the poorest performing buildings and those with the largest opportunity to improve. "Load ordering" the need will assist in allocating scarce labor, scale up the supply chain and secure the needed resources in the initial 2023-2030 period where each industry will need time to scale up.
- 4) Lastly, all the above should be accompanied by a vision of the effects of the transformed building stock of NYS; where decarbonization is accompanied by lower community pollution, healthier occupants, lower maintenance and operating costs and NYS buildings that are the healthiest and most competitive in the world.

Agree to these sound recommendations with some modifications in bold:

1. **Before 2030**, require that only high efficiency and zero emission new equipment for space heating, cooking, clothes drying, and hot water heating is offered for sale to replace fossil fuel equipment at the end of useful life in residential and commercial buildings.

2. Require multifamily and commercial properties to undertake a comprehensive building energy assessment and have them meet an energy efficiency performance **and emissions standard ASAP**.
 1. Compliance standards will be informed by statewide benchmarking data and align with New York City's Local Law 97 and across State and local government requirements where appropriate. A phased-in building performance standard should become effective starting in 2027.
3. Commence a statewide energy benchmarking and disclosure program that requires owners of multifamily and commercial properties to annually report whole building energy and water consumption data.
4. The PSC should require electric, gas, and water utilities to provide automatic aggregated whole building uploads of utility customer data directly to EPA's Energy Star Portfolio Manager **and to policy/governmental entities to inform policy decisions at the local and regional level. In addition, delivered fuel companies should also be required under state law to deliver similar data.**
5. **ASAP**, require owners of all single-family and multifamily residential and commercial buildings to obtain and publicly disclose, as part of sale or lease listing of a building, housing unit, or commercial space, the prior-year energy consumption of the building and/or unit and obtain, disclose an energy performance rating (such as a Home Energy Rating System index) as part of sale listing **and have the building meet a building performance and emissions standard.**
6. Create a revolving loan fund: Create a revolving loan fund for building decarbonization. For example, the Environmental Facilities Corporation's (EFC) Clean Water State Revolving Fund provides a model for enabling public mandates to be coupled with access to low-cost capital. This would be implemented through a bond-issuing government authority.

Chapter 14 - Industry

Should include Hybrid diesel/electric initiatives to help reign in emissions in the Mining and Quarrying section.

Other Energy and Emission Intensive Industries

Needs more focus on Cryptocurrency activity – a huge consumer of electricity.

Industrial Sector Considerations

Need to push for universal adoption of these considerations at the federal level

Needs specific reference to Hydrogen as an energy source – what is the carbon footprint?

Vision for 2030

What role will robots play in the future efficiency of work and reduction of carbon in emissions

Existing Mitigation Strategies

Needs focus on how to get the most out of solar via energy storage solutions

Chapter 15 - Agriculture and Forestry

We support the emphasis on maximizing carbon sequestration potential from trees, plants and healthy soils.

Of note:

Sustainable Forest Management

- Plan is silent on how suburban communities contribute to GHG emissions and what they can do to enact nature-based solutions
- The plan is silent on lawns and their GHG emissions. According to Cornell there are 2.8 million acres of lawns in NYS.
- Lawns emit nitrous oxide through fertilizer applications. Chemicals used on lawns are fossil fuel based and have a significant carbon footprint. Gasoline based lawn equipment emits GHGs. Need to encourage reforestation on residential properties, increase deeper rooted perennial plants to replace areas of lawn
- Need a focus on suburban development and its impact on trees; support efforts to identify critical areas for forest preservation and encourage conservation efforts in these targeted locations.
- Implement tree planting programs across the state in suburban communities
- Reduce heat absorbed by impervious surfaces by supporting roadside tree planting
- Increase grant funding for communities to undertake nature-based solutions appropriate to their communities
- Ensure that all metrics and monitoring is shared, and data is readily available

Soil Health, Nutrient Management, and Agroforestry

- Livestock: include rotational planned grazing as a critical part of the livestock strategy (currently just about precision feeding and capturing emissions methanes). Could also include the “eat less and better” concept.

- Soil: not a clear enough link established between forest and farming soils (despite section on soil health plan strategy within ag systems). There are opportunities to consider creating a soil bank and establishing a soil health label in the NY markets that would drive consumption change across the US

In more detail:

Livestock: the livestock section (p.208) is silent on the possible regenerative impacts of rotational planned grazing. Animal ag makes up the majority of the state's farm economy and while it has a corresponding emissions profile (enteric methane) this may be MORE than offset by regenerative farming practices ([as studied on a southeast farm](#) where 1 lb. of beef was deemed to have -3.05 lbs/CO2 emissions equivalents vs 10 lbs. CO2 emissions per conventional beef). There needs to be more land (Rowntree study) but NY has 1.8M acres of unused grasslands (Cornell), which are more than enough to offset the need to have more space to manage beef and dairy herds regeneratively. What is needed are: 1) research; 2) technical assistance; 3) incentives for best practices; 4) development of market labels ('grass-fed' or carbon negative beef, which could lead the market given the size of NYC). On p.216 the plan does reference prescribed grazing as part of the soil health system practices.

Soil: Consider the idea of creating a NY Forest Bank (p.206) should be expanded to include a NY Soil Bank whereby emissions reduction + storage credits may be sold by farmers and landowners for certifiable soil-building / carbon sequestering practices. Armed with the right research, NY's leading academic institutions (the SUNY's, Cornell, Skidmore) and nonprofit partnerships (the Northeast Carbon Alliance) can help inform the soil carbon metrics that the bank develops with the help of the emerging soil carbon markets in California ([see here](#)) and nationally ([Biden's Growing Climate Solutions Act](#)). Missing from all sections including ag emissions monitoring.

- p.217 On the soil health plan strategy, this is robust but could be greatly enhanced on the consumer side with NY state enforcing label standards beyond NY Grown and Certified ("Soil Health Approved?") and something in line with the Soil Bank standards set above

-p.220 carbon farm planning - this is a good plan that could be applied to suburban areas and lawns

Chapter 16 - Waste

A review of the Draft Climate Action Plan for Waste suggests that while the Plan does mention moving in the direction of waste reduction, it contains very little that is new, nor does it offer significant opportunity for practical implementation of Greenhouse Gas (GHG) reduction that has not already been outlined in the 2009 Beyond Waste, report by the DEC, which outlined basically similar strategies that are now largely repeated in this Plan. Unfortunately, very little meaningful implementation of the waste reduction or recycling goals outlined in the excellent 2009 DEC report has happened, and there is little reason to expect that a repeat of these strategies will help in the future, unless they are more forcefully buttressed by waste reduction strategies that mirror the percentages for GHG reductions in the plan.

We do not think the waste goals in the plan can be achieved unless a major restructuring of the lifecycle way consumer products is made and consumed is undertaken.

Waste in our trash cans or in landfills is not the primary issue. Recycling is good, composting is good, as is collection of landfill gas, but this too is not the primary issue. **The real problem is our continuing very high rate of consumption of inefficient products and services that are highly wasteful and require very large amounts of energy to produce, transport and recycle or dispose of.** As anyone who observes the enormous and often redundant waste associated with plastics and packaging or the single use of so many consumer products can attest, the real issue for climate action is to address waste reduction at its source, which results from the continuing product promotion and very inefficient production of many products, food and services.

The Plan should be expanded to include:

- New section for Expanded Producer Responsibility
- New Circular Economy section
- Complete zero waste approaches section
- Life-cycle product emissions and GHG inventory baseline
- Public outreach for zero waste approaches

Section W.3 of the Draft Climate Action Scoping Plan should be revised to add a separate section for Extended Producer Responsibility (EPR) and Product Stewardship (PS). In fact, product stewardship is the only full circle (cradle to cradle) circular economy emissions methodology that considers the energy and environmental concerns required to make as well as recycle or dispose of our products, since the present materials waste accounting does not include either the full energy production costs or the full disposal costs.

We also recommend that the plan includes a whole section on Zero Waste Challenges.

Chapter 18 - Gas System Transition

The CAC notes that shifting from fossil gas to electrification will be highly dependent on the extent to which and the related speed that residential, commercial, and industrial users choose

to switch, and it suggests that by 2050 it will be inevitable that most or all users will have switched. It therefore appears to assume that a transition plan should envision a significant shutdown of the current gas system, including a closing of the gas utilities.

What this doesn't consider is the extent to which low-to-negative carbon intensity fuels such as green hydrogen and biogas can play a significant role in decarbonization, something that analysts predict could represent over a third of the energy economy by 2050. The implication of this is that a transition plan also should consider a scenario where the gas system continues to exist but shifts its fuel sources rather than ultimately must be shutdown.

This section also doesn't appear to cross-reference or incorporate concepts that are directly related to the gas system, but which also are addressed in other sections, such as the decarbonization of the fuels that are generated and transported by the gas system (and are used for transportation and industry or are produced through waste management or power generation processes).

There is minor discussion of green hydrogen in other sections, but the plan appears to view it somewhat unfavorably for reasons that we believe are not material and possibly not well understood (NOx emissions which are minor and simple to abate).

Recommendations

- The state should consider adopting a Low Carbon Fuel Standard (like California's existing LCFS for transportation fuel, and something many other states are in the process of also enacting) which taxes fuel distributors based upon the carbon intensity of the product, and consequently heavily incentivizes the production and sale of low-carbon fuel for vehicle, aviation and marine transportation.
- Existing pipelines can be repurposed for the transmission of hydrogen (this is happening in other states and countries) rather than decommissioned; recommend the state research this and consider incentives for this.
- Existing pipelines can also be repurposed for the transmission of CO₂ for permanent disposal underground (sequestration) rather than being decommissioned; recommend the state research this and consider incentives for this.
- The section on Economy-Wide Strategies cross-sector industries addresses CO₂ emissions concepts such as carbon taxing and fuel incentives for reducing carbon intensity but doesn't make any mention of CO₂ sequestration hubs. Recommend the state study this concept and consider introducing measures to incentivize the development of CO₂ hubs such as liability limitation, and less regulation on geologic storage permitting (which is being done in other states)

- The plan does identify the benefits of biogas generation/capture and reuse in the waste section but recommends no new infrastructure to be built to facilitate its transportation – we don't think this is a sensible recommendation

Chapter 20 - Local Governments

While the CAC makes recommendations to “support” local govts for Local Climate Action, the reliance on existing programs (Clean Energy Communities, Climate Smart Communities) and business as usual approaches (streamlined Solar Permitting, above code building codes) ignore the capacity building resources needed at the local level to carry out the scoping plan’s varied recommendations. As local governments are being asked to pass additional policies and take actions such as benchmarking existing buildings, requiring electrification of new buildings, accelerating solar deployment, and promoting resilience, **a sustainable funding stream to bolster local govt capacity would be required so as not to divert funding and resources from existing duties and responsibilities.** Much like how the public benefit of clean water is supported by funding streams that provide professional water and sewer staffing at the local govt level, dedicated staff at the local government level to promote and integrate low carbon, low pollution and clean energy initiatives should be developed to support the public benefit of clean energy, low pollution and eliminating GHG emissions. A department level staff focused on these issues will expand policy, support initiatives and drive adoption and enforcement of clean energy laws.

Chapter 21 - Adaptation and Resilience (Simon Skolnik)

1. Building Capacity: AR1

NYS must lead the effort in educating local community fire districts on how to prevent and combat brush fires.

NYS must lead the effort to provide education to landowners to use BMP that will prevent the start and the rapid spread of brush fires.

NYS must provide grants for local volunteer fire departments to purchase the correct equipment to fight brush fires.

NYS must consider creating a professional fire-fighting state force that has the training and the equipment to assist local volunteer fire departments in preventing and quickly containing brush fires.

2. Communities and Infrastructure: AR5

NYS should utilize statewide associations of local environmental groups to disseminate their programs. Bedford 2030 is a member of the New York State Association of Conservation Commissions (NYSACC), which represent over 270 municipally appointed conservation advisory commissions (CACs), sustainability committees, county environmental management councils (EMCs), climate smart task forces, and coastal management councils. NYSACC is funded strictly by member dues. In addition, to work on a larger scale, the state should be funding county level organizations that could be based on either already existing EMCs or new EMCs established in the county.

NYS should create grants to enable municipalities to create their own Department of Climate Resiliency to partner with the state on climate change programs.

Communities and Infrastructure: AR7

The CAC should add a chapter on wetlands and how their maintenance and restoration are critical to both carbon sequestration and flood control. Wetlands, as well as re-sized storm infrastructure and green infrastructure, are the best ways to avoid inland flooding.

The NYS DEC should consider lowering the threshold of state regulated wetlands from 12.4 acres (5 hectares) to have control over more local wetlands where those communities have not created municipal ordinances protecting their wetlands

4. Communities and Infrastructure. AR 8

- The conjoining of cooling/heating centers and locally obtained renewable energy will be critical to the survival of much of our population, those from disadvantaged communities. When reviewing a municipality's best infrastructure for short-term housing of its population during heating and cooling emergencies, the obvious first choice universally available would be our schools, as they contain sanitary, cooking, and large areas that can be set up for sleeping. Yet, when investigated, most schools do not have air conditioning (AC), let alone generator back-up to power AC. And generators, using fossil fuels, would just be adding more GHGs to the atmosphere. The logical choice would be to upgrade core areas of the school buildings with AC, locate

renewable energy sources nearby, and install battery storage systems to power essential equipment when energy (wind-driven or solar) is not available. NYS must develop planning and funding mechanisms to marry these two different uses into a resilient solution.

- Renewable energy is not resilient unless it can power 24/7, and this can only be solved using battery back-up. NYS must become a leader in developing batteries that can be used for various solutions.

5. Living Systems: AR11

NYS should subsidize farmers to have them be able to financially afford to own, lease or rent in areas not presently open to them due to high land values. Public land, including state, county, federal, and municipal owners, should be examined to see if they would be suitable for farmers.

NYS must establish a division within its Department of Agriculture and Markets for small public/private amateur food producers, such as residential “Victory Gardens” and community gardens. NYS must be able to support these programs, both with education and with funding.