

June 1, 2022

Draft Scoping Plan Comments
NYSERDA, 17 Columbia Circle
Albany, NY 12203-6399

Submitted via email to scopingplan@nyserda.ny.gov

Dear Climate Action Council Members:

Thank you for your service on the Climate Action Council and for your consideration of our views on the Draft Scoping Plan.

By way of background, Darling Ingredients is North America's largest purveyor of waste fats and oils and owns the nation's largest renewable diesel production facility through a joint venture agreement. Most of our products are made from used cooking oil (UCO) and animal fat byproducts that we collect throughout North America and further process into sustainable, domestically-sourced finished fuels such as renewable diesel. Our recycling operations include a UCO and bakery waste facility located in Buffalo as well as used cooking oil collection throughout New York State. According to the California Air Resources Board (CARB), our renewable diesel reduces greenhouse gasses (GHGs) by as much as 86%, particulate matter by 30%, NOx by 12%, and is sulfur and benzene free because it is produced from biological – rather than fossil – feedstocks. Renewable diesel is compatible up to 100% in all existing vehicles, equipment, and infrastructure and can be further processed into sustainable aviation fuel (SAF).

After reviewing the Draft Scoping Plan, we have specific comments on the following two sections.

Chapter 10: Benefits of the Plan

The methodology associated with the Benefit-Cost Assessment (BCA) is inconsistent with previous state approaches toward this type of analysis. Specifically, the full benefits of biogenic carbon associated with biofuels were not incorporated as they have been in the Department of Environmental Conservation's (DEC) annual Statewide Greenhouse Gas Emissions Report. This includes the most recent version, published in 2021.

Biogenic carbon related to biofuels should be provided full credit for its GHG reducing benefits within the Benefit-Cost Assessment just as it is in DEC's annual Statewide GHG Report. The inconsistent approaches between the DEC's annual Statewide GHG Report, the Scoping Plan, and the BCA should be reconciled. Specifically, they should be reconciled in favor of the approach used in the annual Statewide GHG Report, the "net" approach, which also happens to be consistent with the methodology recommended by the United Nations Intergovernmental Panel on Climate Change (IPCC) for full lifecycle analysis.

Ultimately, the BCA should reflect real-world outcomes. Accounting for upstream emissions for petroleum but not biofuels creates an obvious methodological inconsistency that skews the results in favor of electric vehicles and, ironically, fossil fuels. Under the “gross” accounting method used for the BCA, biofuels reduce carbon approximately 20-40% relative to fossil fuels instead of 60-90% as they would under a “net,” full lifecycle approach that includes upstream emissions. For purposes of the Benefit-Cost Assessment, we urge the Climate Action Council to return to the state’s traditional approach toward treatment of biogenic carbon. This would provide a realistic and accurate analysis while facilitating comparisons with recent and historical work conducted by DEC and agencies in other jurisdictions.

If the CAC chooses not to reconcile these approaches, we would like to note for the record that the costs and benefits of the “Strategic Use of Low Carbon Fuels” and the “Accelerated Transition Away from Combustion” scenarios were still virtually identical even though the biogenic, upstream carbon benefits of biofuels were virtually unacknowledged in the assessment. This strongly suggests the “Strategic Use of Low Carbon Fuels” scenario, which represents a diversified approach with an aggressive electrification scenario versus an “EV-only scenario,” is actually the most beneficial, least cost alternative to address the state’s climate and public health goals.

Chapter 11: Transportation

We support a Clean Fuel Standard (CFS) as a cost-effective policy mechanism for reducing the carbon intensity of fuels as the transition toward near-zero and zero emission vehicles proceeds. A CFS is the only proven mechanism for transitioning heavy duty trucks and the aviation sector toward less polluting, lower GHG fuels in the short- and medium-term. Even in the long-term, the most aggressive electrification scenario modeled shows approximately one-third of the transportation sector fueled by fossil-derived energy in 2050. We do not believe this fossil fuel use and associated emissions should simply be ignored when a Clean Fuel Standard could address the problem head-on and immediately.

Once again, thank you for considering our comments. We hope the final Scoping Plan includes a strong and clear endorsement of a Clean Fuel Standard. If you should have any questions, please feel free to contact me at any time at shelby.neal@darlingii.com.

Sincerely,

A handwritten signature in black ink that reads "Shelby Neal".

Shelby Neal
VP - Renewables & Energy Policy