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June 30, 2022

Co-Chair Doreen Harris and Co-Chair Basil Seggos
Draft Scoping Plan Comments
NYSERDA 17 Columbia Circle
Albany, NY 12203-6399

RE: New York Climate Action Council Draft Scoping Plan

Dear Co-Chairs Harris and Seggos,

New York Farm Bureau (NYFB), the States' largest general farm organization, appreciates the opportunity to submit these comments to the Climate Action Council's Draft Scoping Plan. NYFB represents the great diversity of New York agriculture from row crops, specialty crops, vintners, orchards, livestock, dairy and both conventional production and organic production and a wide range of operation sizes. Our farmers are on the front line experiencing the impacts of climate change, not only from the extreme storms that make the headlines like Sandy, Irene, Lee, and others, but also the seasonable variabilities like drought, excess precipitation, unpredictable frosts, and an increased presence of pests and disease.

Farmers across New York State have a long history of adopting practices on their farms to address environmental concerns. In fact, many of the practices that farmers have adopted for water quality concerns also have a climate benefit like cover cropping, manure management and planting buffers. However, some of these practices like manure storages have increased greenhouse gas emissions. As a result, farmers and the state have supported the adoption of practices like covering and flaring manure lagoons and farmers have also invested in methane digesters as not only a renewable energy source but also to mitigate methane emissions from manure lagoons.

NYFB has been actively engaged in the Climate Action Council Advisory Agriculture and Forestry Advisory Panel as participants we believe that the recommendations made by the Agriculture and Forestry Advisory Panel recognize challenge and limitations, including financial and technological, that currently exist in agriculture's ability to adopt GHG reducing practices, while still looking into the future potential of new and existing technology and practices. Our agriculture and forestry industries are unique in they can provide carbon sequestration benefits for all industries and help the State meet its ambitious goals; however, we have strong concerns with the costs associated with meeting these goals.

Unfortunately, the impact of the recommendations in the draft scoping plan are not just limited to those in the Agriculture and Forestry Chapters, where the agricultural industry did not have the opportunity to weigh in on these sections as they were being drafted, as such there is very little recognition of the lack of technology to meet the recommendations in the agricultural industry or the financial strain the updating of systems could have on an industry that has very little control over the price it receives for its products. NYFB submits the following comments on the draft scoping plan.

Chapter 6. Climate Justice Working Group Recommendations

While the definition of Disadvantaged Communities is part of a separate comment period, we would be remiss if we did not mention the concern that rural communities that have long suffered both economically and from environmental pollution as many urban areas have. Our smaller communities have hosted industry, landfills, energy generation, and other pollution creators and must be included in these criteria as well. NYFB has concerns with lower population numbers skewing the impacts that these communities have also faced and impacting the financial resources available to these communities.

The Climate Justice Working Group Feedback to the Advisory Panel (table 1.) proposes some actions that are not included in the final recommendations from the Agriculture and Forestry Advisory Panel, however, this does not mean that they were not suggested or considered. First, the reference to the Federal Agriculture and Resiliency Act is a large bill that includes many of the recommendations from the Agriculture and Forestry Advisory Panel, however, it does not recognize current industry norms and recommends the abolishment of Concentrated Animal Feeding Operations (CAFOs). This is not a recommendation NYFB would support as we support all farms regardless of their size.

The Agriculture and Forestry Panel also discussed synthetic fertilizers, but ultimately recommended industry Best Management Practices (BMPs) like the 4 R's program. Similarly, the conversion to organic production was discussed but not supported by the full group, including NYFB. Both organic and conventional farms can adopt climate smart practices that reduce their GHG footprint. Further, we do not support the Climate Justice Working Group's recommendation of strategies include regulatory or mandatory actions and rely less on voluntary practices. NYFB strongly supports the continuation of voluntary incentive-based programs like the Climate Smart Farms Program, Ag. Non-point pollution control program and the Agriculture Environmental Management (AEM) program to help farmers adopt both water quality and climate smart practices on their farms.

Although we recognize the Climate Justice Working Groups support for on-site biogas use, NYFB strongly supports the use of anaerobic digesters for biogas or biomass for energy to mitigate GHG emissions on farms. New York farmers have employed manure storages, at the direction of State regulation, to address water-quality concerns, and these storages have led to the increased production of methane gas. It is imperative that farmers have all the strategies available to them to mitigate these GHG emissions. Without the larger use of biogas or biomass for energy and off-farm use of the gas, these systems are simply not sustainable.

NYFB strongly supports the Climate Justice Working Groups recommendation to ensure that strategies address equity in the agricultural sector. NYFB participated in the Department of Agriculture and

Markets Diversity and Racial Equity Working Group and will continue to support such programs and opportunities to examine how we can make a more just system for all farmers.

Chapter 9: Integration Analysis

In reviewing the Integration Analysis, NYFB strongly recommends the use of low-carbon fuels, although we do not have a specific recommendation on which scenario the CAC should recommend, it is imperative for agriculture that low-carbon fuels including biofuels and biomass is included in its recommendation.

Throughout my comments I will reference where biofuels and biomass energy sources are often the only available fuel source other than fossil fuels for agriculture and agricultural processing. Without these sources of energy and potential markets, we will likely see the continued loss of agricultural production and processing in New York.

Chapter 11: Transportation

NYFB would like to comment on strategies T1 Light-Duty ZEV adoption and T2 Adoption of Zero-emissions, trucks, buses, and non-road equipment. Although the state has already taken both legislative and regulatory action on these two strategies, it is important that the state realizes the concerns of this transition on agriculture.

Farmers rely on light- medium- and heavy-duty trucks at both the farm and distribution level of agriculture through the transportation of inputs, livestock hauling, bulk commodity distribution and the delivery of products to market. Further light-and medium duty trucks and vans can also play a daily role on the farm for basic farm chores and tasks like transporting workers or moving livestock. New York Farm Bureau has several issues with this proposal. First, is the reliability and range limitations of these vehicles and the lack of infrastructure resources available in rural areas to charge electric vehicles. Frankly, charging infrastructure is even lacking on significant transportation routes let alone those roads less traveled. Build out of infrastructure is vital should any mandate for increasing the number of EVs sold in the state. However, some hurdles would remain even if the infrastructure was in place particularly around the area of livestock hauling. Charging a medium- or heavy-duty vehicle takes time, and the longer animals are transported can stress animals and potentially put them in unsafe conditions. Livestock hauling is already at a critical point as lack of processing capacity close to farms already make for hauling livestock longer than desired distances.

Further, depending on how the final policy is set, recognition of current technology of non-road vehicles needs to be considered. Although some small farm electric tractors are beginning to come on to the market, technology does not exist for many of the large and critical farm equipment like sprayers, combines and choppers to transition them to electric. Current electric technology is not sufficient in both power and length of use time. During planting and harvest season, it is not unreasonable for a farmer to be utilizing a machine for XX hours a day. NYFB supports Strategy T12: lower carbon renewable fuels as it is so important that these fuel sources are made available for difficult to electrify equipment like farm machinery.

Chapter 12: Buildings

New York Farm Bureau also has serious concerns with the recommendation to adopt zero emissions codes and standards and implores the state to ensure that it recognizes the uniqueness of individual sectors that have many processes that are difficult to electrify. For agriculture, this is not only on farm but also at our processing facilities that process raw agricultural commodities like grain and fluid milk. Just to name a few areas on farm where there are technologies that are difficult to electrify currently there are no grain drying systems that are electrified, natural gas is the primary fuel source although there are commercially available biomass systems. Further, although ground and air source heat-pumps are recommended for residential and commercial heating needs, it is unclear that this will be a viable heat source for our greenhouses.

Chapter 15: Agriculture and Forestry

New York Farm Bureau strongly supports the recommendations of the Agriculture and Forestry Advisory Panel. The CAC Agriculture and Forestry Advisory Panel's recommendations are rooted in science, consider current and future technological opportunities and the future economic viability of the agricultural sector in New York State. The Panel was aggressive with its goals, took time to build consensus within its membership, and was practice focus to achieve real and attainable greenhouse gas reductions.

Further, the Panel was forward thinking in recommendations to invest in research not only to invest in technology, but to better understand how our biological systems work and the ability of our soils to sequester carbon. Focus on practices and systems like cover-cropping, cover and flare systems, manure management systems, etc., that farms can adopt based on their individual operations that can achieve real GHG reductions. Promoting production methods like organic, biodynamic and others do not necessarily reduce GHG emissions, nor do they work for every farm.

Incentive-based programs like the Climate Resilient Farming Program should be utilized as opposed to a punitive regulatory framework. Farms operate on narrow margins and compete with a global market, without incentive-based programs, most farms will simply not be able to adopt practices to reduce GHG emissions or to capture carbon in soils. These existing programs and trusted networks like the State's Soil and Water Conservation Districts, Cornell Cooperative Extension and the Departments of Agriculture and markets and the Department of Environmental Conservation are key to assisting farms adopt on-farm climate mitigating practices.

Chapter 16: Wastes

New York agriculture also has a role to play in the reduction and recycling of organic wastes from the donation of agricultural commodities to the importation of organic materials by farms for compost, soil amendments, livestock feed, and the addition of food scraps into anaerobic digesters.

New York Farm Bureau is concerned with the strategy W3 Extended Producer Responsibility/Product Stewardship and its potential impact on agricultural processors. Farm producers are entirely unprepared to assume this type of responsibility, from both a management and financial perspective, especially given the current farm economy and the economic impacts of the ongoing pandemic. Legislation containing this magnitude of change, and frankly upheaval, to the current recycling system, which severely impacts farms and the general business community, needs thorough stakeholder input, including legislative hearings. The proposal also outlines a needs assessment, however the timing of the

needs assessment and the timing of when producers would be required to register with DEC, does not allow for producers to adjust based off the results of the needs assessment. Currently, there is not yet an economically feasible way to re-use and refill when it comes to agricultural products that would be covered under this proposal.

Also, of concern, is language in the bill prohibiting farmers, agribusiness, and other industries from increasing the cost of their product to cover the costs of their new recycling responsibilities at a time when supply chains are strained and there is added costs of doing business in every area, from transportation to needed supplies.

Chapter 18 Gas System Transition

While much of the conversation in this chapter is around fossil gas sources, it does not consider the potential of transitioning the current gas system to a renewable one. Although it is understood that the state's ability to produce enough renewable gas sources for current demand is not attainable, strategic investment in our distribution system to ensure that difficult to electricity technologies still have access to the necessary fuel source. The draft recognizes the concerns with "stranded assets" as the infrastructure is no longer to generate an economic return because of the changes associated with decarbonization of the economy however, through this chapter and the buildings chapter, there is very little recognition of the technology limitations on specific industries.

Chapter 19: Land Use

New York Farm Bureau strongly supports keeping agricultural lands as agricultural lands and has concerns with the state's reliance on solar to meet its renewable energy goals. Solar energy is land intensive, and we are already seeing the conversion of productive farmland into solar. This is concerning in certain areas on the state where not only is there prime agricultural soils, but also the availability of transmission lines.

Though LU3 discusses the avoided conversion of agricultural and forested land in terms of permanent development, which is important, and LU8 discusses guidance and support for clean energy siting to localities there is little discussion about the loss of farmland for solar development from a statewide perspective where many of the decisions of large renewable energy siting happen. In fact, it is mentioned that the state should mitigate the impact from renewable energy projects on forestland, but it is not a component for agriculture.

Similarly, in the Local Governments chapter, LG3 provides clean energy siting support for local governments, which NYFB supports, but the Draft Scoping Plan doesn't even recognize some of the work its own agencies and authorities are doing around siting on farmland.

Understanding there is a lot of discussion around the ability of farming and solar energy to coexist or co-locate, we need extensive research into the ability of "Agrivoltaics" to be successful beyond the raising of sheep and honeybees. Other states are investing in programs to understand what crops and other agricultural practices can be done around solar arrays. For instance, the University of Massachusetts have been engaging in a variety of projects related to "dual-use" or Agrivoltaics. One challenge with these systems is that both the crop yield and electricity output are lower in these dual systems than if

either of these activities were carried out alone on separate land. New York State should engage in similar research to understand what practices will fit in to our agricultural economy.

Chapter 21: Adaption and Resilience

As mentioned previously in these comments, farmers are adapting to climate change already happening on their farms and have also adapted practices to make their farms more resilient to future impacts, but more can be done to support farmers. NYFB supports the recommendations AR 11 around water and energy efficiency programs, research in climate resilient crop varieties, and continuing the promoting watershed based BMPs to help with flood attenuation, drought mitigation and water quality protection.

New York Farm Bureau looks forward to continuing to be part of the work of the Climate Action Council and requests that there be agricultural representation on the Climate Action Council itself and not just through the Advisory Panel. We appreciate the work of Commissioner Ball on the CAC and as Chair of the Advisory Panel but additional feedback from the industry on the CAC is imperative so that industry specific needs are met.

Thank you for your time and consideration of these comments and feel free to reach out to New York Farm Bureau with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Fisher', with a stylized flourish at the end.

David Fisher
President