

January 5, 2022

VIA ELECTRONIC MAIL

New York State Energy Research and Development Authority
rggiprograms@nyserda.ny.gov

Re: Comments from Environmental Advocates NY to the New York State Research and Development Authority (NYSERDA) Regarding the Regional Greenhouse Gas Initiative (RGGI) Operating Plan

Thank you for the opportunity to provide comments on New York's Regional Greenhouse Gas Initiative (RGGI) Operating Plan Amendment for 2022. The Climate Leadership and Community Protection Act (CLCPA) requires RGGI proceeds be invested in ways that prioritize frontline, environmental justice, and disadvantaged communities. This and future RGGI spending plans should further the CLCPA's requirement, as reflected in the CO2 Allowance Auction Program regulations, that NYSERDA invest or direct resources in a manner so that disadvantaged communities receive a minimum of 40% of the overall benefits of spending on clean energy and energy efficiency programs, projects, or investments. To fully effectuate the CLCPA's mandate, NYSERDA should: a) direct a minimum of 40% of its RGGI operating budget to disadvantaged communities, and b) ensure that spending directly benefits these communities. The proposed amendment builds on important steps advanced in the 2021 Operating Plan dedicating proceeds to programs designed to serve disadvantaged communities. Now that the Climate Justice Working Group (CJWG) has advanced a definition of disadvantaged communities NYSERDA should screen and adjust the proposed spending plan to ensure alignment with the work of the CJWG.

Estimating the percentage of overall benefits to disadvantaged communities on a three-year timeline makes it difficult to measure near term compliance with the investment mandate. The spending plan should be amended to provide estimated benefits to disadvantaged communities on an annual basis. NYSERDA should coordinate with DEC to assess how RGGI is impacting environmental justice communities across the state, including an equity analysis of the distribution of RGGI funds and other climate investments regarding the specific needs of frontline, environmental justice, and disadvantaged communities. The analysis should be accompanied by a regularly updated tracking mechanism that will allow the public to monitor RGGI spending and benefits on a community-by-community basis.

We support the additional funding and modifications to existing programs aimed at serving schools and buildings in disadvantaged communities, community energy engagement, priority population workforce development, and residential energy efficiency financing for communities with a majority of households with low and moderate incomes. The additional allocations to ChargeNY will help increase access to electric vehicles and charging facilities. We encourage consideration of programs and initiatives to increase access for low-to-moderate income households, such as rebates and financing for used electric vehicles.

NYSERDA should continue to expand and develop programs and grant opportunities that adequately support community energy planning and community ownership in the transitions to renewable and resilient energy systems. We support the proposed allocation of funds to Clean Energy Hubs to help advance these goals and the efforts to expand capacity for community-

based organizations to actively participate in planning and other stakeholder engagement processes.

NYSERDA programs funded with RGGI dollars must be designed to maximize reductions of both greenhouse gases and co-pollutants in disadvantaged communities. The CLCPA requires that the state prioritize projects that both reduce GHG emissions and eliminate criteria pollutants in historically disadvantaged communities when the state acts to meet its GHG reduction goals. The Community Air Monitoring program proposed in this amendment combined with the community support grants from DEC will help to advance progress toward the CLCPA co-pollutant reduction requirements.

It is critical that RGGI funds, especially those dedicated to disadvantaged communities, be protected from diversions for purposes other than clean energy and carbon and pollution abatement. Under the previous administration, over \$200 million in RGGI proceeds have been transferred to the State Budget to supplant state spending on tax credits and other programs that are inconsistent with the equitable spending requirements included in the CLCPA. There has been no indication thus far that Governor Hochul will continue this practice in the Executive Budget. NYSERDA should amend the proposed plan to eliminate the transfer of \$23 million to the state's General Fund. The Authority should also reconsider the proposed transfer of funds to the Environmental Protection Fund and the Long Island Power Authority. These transfers only serve to supplant environmental and clean energy funding and could be otherwise used to supplement programs and initiatives benefiting disadvantaged communities.

The process for the development of RGGI spending plans should be formalized to facilitate a meaningful stakeholder engagement process. We urge NYSERDA to consider revising its process to establish a stakeholder advisory council that includes equitable representation from communities that bear the burdens of negative public health effects, environmental pollution and impacts of climate change. We acknowledge and appreciate NYSERDA's efforts to move in this direction with the establishment of the Energy Equity Collaborative.

Thank you for your consideration. If you would like to discuss the comments outlined in this letter please contact Conor Bambrick at cbambrick@eany.org