

MINUTES OF THE CLIMATE ACTION COUNCIL MEETING

HELD ON May 26, 2022

Pursuant to Notice and Agenda, a copy of which is annexed hereto, a meeting of the Climate Action Council (“Council”) was convened at 2:00 p.m. on Thursday, May 26, 2022. The following Members attended, and a quorum was present throughout the meeting:

Council Co-Chairs

- Doreen Harris, President and CEO, New York State Energy Research and Development Authority
- Basil Seggos, Commissioner, New York State Department of Environmental Conservation

Council Members

- Richard Ball, Commissioner, New York State Department of Agriculture and Markets
- Mary T. Bassett, Commissioner, New York State Department of Health (Henry Spliethoff, Designee)
- Rory Christian, Chair and CEO, New York State Public Service Commission
- Donna L. DeCarolus, President, National Fuel Gas Distribution Corporation
- Marie Therese Dominguez, Commissioner, New York State Department of Transportation (Carolyn Ryan, Designee)
- Gavin Donohue, President and CEO, Independent Power Producers of New York
- Justin Driscoll, Interim President and Chief Executive Officer, New York Power Authority
- Dennis Elsenbeck, President, Viridi Parente, Inc.
- Thomas Falcone, CEO, Long Island Power Authority
- Rose Harvey, Senior Fellow for Parks and Open Space, Regional Plan Association
- Dr. Bob Howarth, Professor, Ecology and Environmental Biology at Cornell University
- Peter Iwanowicz, Executive Director, Environmental Advocates of NY
- Hope Knight, President and CEO-designate and Acting Commissioner, Empire State Development (Vincent Ravaschiere, Designee)
- Roberta Reardon, Commissioner, New York State Department of Labor
- Anne Reynolds, Executive Director, Alliance for Clean Energy New York
- Robert Rodriguez, Acting Secretary of State, New York State Department of State
- Raya Salter
- Dr. Paul Shepson, Dean, School of Marine and Atmospheric Sciences at Stony Brook University
- RuthAnne Visnauskas, Commissioner and CEO, New York State Homes and Community Renewal

Also present were Climate Action Council Executive Director Sarah Osgood, various State agency staff and members of the public. Mr. Seggos and Ms. Harris, Co-Chairs of the Council, welcomed all in attendance.

Consideration of April 18, 2022 Meeting Minutes

This Agenda item was to advance the minutes from the April 18, 2022 meeting. Upon a motion duly made and seconded, the minutes were adopted.

Co-Chair Remarks

At the request of Co-Chair Seggos, a moment of silence was observed in honor of the victims of the mass shootings in Buffalo, New York and Uvalde, Texas.

Co-Chair Harris provided an overview of May 2022 policy, program, and project-based activities, including the Disadvantaged Communities public hearings and comment period that runs through June 2022, draft regulations on the State's comprehensive waste management efforts, and Consolidated Funding Application opportunities. NYS Public Service Commission Chair Christian reported on two specific proceedings, one regarding a recent NYS Public Service Commission Order that will track and assess progress of the various Climate Act initiatives and another regarding the natural gas proceeding that is currently underway with a goal of establishing a flexible framework to meet the needs of the Climate Act process, including instituting a variety of studies and working groups to examine the avoided cost of gas, among other issues.

Finally, Co-Chair Harris welcomed new Council Member Mario Cilento, President New York AFL-CIO, who was unable to attend the meeting.

Update on Public Hearings and Comments

Sarah Osgood, Executive Director, provided an update on the public hearings on the draft Scoping Plan, reporting that a total of eleven public hearings were held during which approximately 700 people provided oral comments. Among the most frequently raised topics were the: importance of environmental justice and equity; need for additional financial incentives, lack of funding sources or detailed timelines with clear milestones; potential job loss in the fossil fuel energy sector; affordability; and green hydrogen. Additionally, public health impacts and land management were discussed more frequently in Downstate and urban areas, while electric reliability, electric vehicles, and forest management were raised more frequently in Upstate and more rural locations. Public awareness of the Scoping Plan process and the request for community educational and outreach campaigns were also suggested on numerous occasions. Some commenters and Council Members have requested an extension of the public comment period.

Co-Chair Harris expressed satisfaction with the hearings, particularly with the interest and attendance, calling it a full reflection of the State's diversity. She further encouraged Council Members to encourage their networks to participate in the ongoing Disadvantaged Communities Criteria hearings that are scheduled through the end of June 2022.

Co-Chair Seggos thanked the Council, the public and agency staff for their collective hard work as the hearings made their way throughout the State. He highlighted the scale of the challenge in providing thorough and accurate information to the public and the need for an all-hands-on deck approach. He also stressed the need for more robust attendance at the Disadvantaged Communities Criteria hearings and encouraged Council Members to encourage their networks to participate.

Dr. Shepson noted the heartfelt and genuine concerns about loss of livelihood he heard during his attendances at the Brookhaven and Brooklyn hearings. Dr. Shepson believes there is a misunderstanding about the pace of the transition from fossil fuels and that it will not be as immediate as the public may currently believe. Dr. Shepson believes that there is also a widespread misconception that renewable energy will be unreliable stemming from the way in which the term “reliability” is used publicly. Dr. Shepson recommended the Council engage the public to correct the record with regard to these issues, as well as to widely disseminate information regarding the results of the economic and cost benefit analysis to show a good faith effort in implementing the Climate Act.

Donna DeCarolis thanked everyone involved in organizing the public hearings which provided a respectful dialogue. She noted a consensus around reducing emissions and a lack of consensus around the appropriate timeframe for the transition – in both directions. She was struck by the regional differences and noted the consistent presence of labor unions and utilities at the hearings she attended, and the need to keep affordability, reliability, resiliency at the forefront by continuing to include experts at the discussion table. She noted that there was mixed participation by industrial and manufacturing customers, noting that there are many who have yet to be heard, as well as feedback that many New Yorkers have not heard about the Climate Act or the Scoping Plan.

Commissioner Reardon noted little disagreement that addressing climate change is a mandatory action, despite disagreement on how and when it should happen. She noted the need for a more granular dive into the costs and impacts to jobs of transition, and the need to provide that information to the public, partners, and organized labor. She suggested that the Council itself needs to be the first and best source of information on the Scoping Plan to ensure all stakeholders have a clear understanding of the impact of each option. Finally, she expressed her gratitude for the addition of Mario Cilento to the Council, stating that he will be a great voice on labor and other issues.

Dr. Howarth agreed that the hearings were well run and organized and echoed the sentiments regarding fear, confusion, and misinformation surrounding electricity reliability, the efficacy of heat pumps in cold climates, and the need for additional public education.

Anne Reynolds complimented the logistics and tone of the hearings, stating that she heard overwhelming support for climate action, despite some differences of opinion. She echoed the comments of others on the need for more public education surrounding the timeline for a smooth transition and to dispel fear with facts. Ms. Reynolds noted some substantive disagreement on a few questions such as the pace of transition of the gas system and the role of methane from waste and hydrogen in the transition, which reinforces the creation of the subgroups to address those issues.

Raya Salter expressed her appreciation for how the hearings were conducted and noted the enthusiasm for concerted climate action. She also noted that the need for increased engagement and public education, and the need to invest in the infrastructure needed to educate the public, including staffing education centers, engaging with disadvantaged communities, and thoughtfully dispelling misinformation.

Peter Iwanowicz expressed strong support for the hearings he attended, noting he attended all but one in person, maintained a record of nearly every speaker, and successfully attended each by driving an electric vehicle. He expressed a desire to further engage with the Climate Justice Working Group as efforts move toward the final Scoping Plan to ensure members of disadvantaged communities are truly represented in the Scoping Plan. He is looking forward to reviewing the final written comments and moving toward a final Scoping Plan that lives up to the intent and inspiration of the Climate Act.

Secretary Rodriguez stated the importance of communicating directly with electricity end-consumers, homeowners, ratepayers, noting that he is aware of substantively different cost estimates. These differing estimates are creating a disconnect that allows for the distortion of information on the cost impacts of the transition. Secretary Rodriguez stated that large numbers of people, many of whom are not necessarily connected through advocacy channels, may be reached through private and utility partnerships that may not have been fully leveraged to date. Kisha Santiago-Martinez, Deputy Secretary of State for Development, Planning, and Community Infrastructure, NYS Department of State, encouraged Council Members to work with their networks and the possibilities available to the public for additional input.

Rose Harvey conveyed her sincere thanks to everyone involved in implementing the public hearings and stated her amazement at the “can do” spirit of the people and the importance of this effort. In the context of misinformation, she noted the complexity and specialization of the information being communicated and suggested that disseminating basic information through some of the State’s channels, such as the educational center at Jones Beach, are options for further beneficial outreach.

Dennis Elsenbeck expressed concerns that important public feedback may be dismissed if it is characterized as misinformation and suggested that a “Frequently Asked Questions” resource may be helpful in allowing information to be provided by the public without bias.

Ms. Osgood provided an update on the written public comments received on the Draft Scoping Plan. To date, nearly 18,000 public comments have been received, which will be manually reviewed, categorized by topic area, summarized, synthesized, and presented to the Council. Once Council Members have had an opportunity to review and reflect on the comments, recommendations for incorporating the public comment feedback into the Final Scoping Plan will be incorporated. In addition, comments will be posted on the Climate Action Council website for public consumption.

Ms. Osgood presented the 2022 Workplan, noting that the newly formed subgroups will begin meeting in June, with anticipated recommendations from subgroups expected by the end of September, along with any other additional (non-subgroup) issues that may be considered by the Council in the same timeframe. Given the breadth of work at hand, it is likely that the Council may need to engage in bi-weekly meetings beginning in September, if not earlier, to ensure sufficient time to discuss and come to agreement on recommendations. She noted that public comment period was extended from April 30 to June 10 and extending the public comment deadline a second time further reduce the amount of time for the Council to consider the comments and incorporate them into the final Scoping Plan, which may have bearing on the quality or content of the final Scoping Plan.

In emphasizing the need to be cognizant of the ambitious workplan schedule, Co-Chair Harris addressed a previous request received from Gavin Donohue, Dennis Elsenbeck, and Donna DeCarolis for an extension of the public comment period. Mr. Donohue stated his strong preference for an extension of the public comment period through August 15, 2022. He believes that the

Council can simultaneously begin deliberations on the final Scoping Plan while still accepting additional public comments, and items in progress that will address funding and consumer costs should be publicly released with sufficient time for response prior to finalizing the Scoping Plan.

Donna DeCarolis noted that the Assembly Minority has drafted a letter requesting extension of the public comment period through the end of the year, and she agrees that it could be a reasonable request as public awareness on such large issues could be increased. She stated her intent to forward the letter to Ms. Osgood.

Dennis Elsenbeck noted an influx of requests from business groups, manufacturing groups, and local government organizations asking to discuss the Scoping Plan, and he welcomes that additional engagement, albeit later than he would have preferred. Despite the lateness of these requests, he believes that these groups deserve an opportunity to learn more and to provide feedback to the Council. He also stated that forming a subgroup to examine the gas transition without a similar subgroup to examine the capabilities and limits of the current electric transmission system will miss an important element. Based on this, Mr. Elsenbeck stated his support for extending the public comment deadline.

Dr. Shepson asked for more information regarding the level of effort involved by staff in managing the volume of comments already received and the feasibility of considering of comments received for the final Scoping Plan while the public comment period remains open before he can make an informed decision on whether to support an extension of the comment period.

In response to an inquiry from Anne Reynolds as to whether any additional requests to extend the public comment period had been received, Ms. Osgood responded that several comments were made during the public hearings, a letter was received from Assemblyman Palmesano and a number of other Assembly Members requesting an extension through the end of the year, and one additional letter requesting a 90-day extension were received.

In response to inquiries regarding simultaneous work on the final Scoping Plan during the open public comment period, Ms. Osgood explained that will need to be the approach if the current timeline is to be achieved, although it is a challenge to intake, distill, and summarize the public comments while drafting has begun and doing so may create a misunderstanding of the public view, as a whole. She also believes the number of public comments received will likely double to 36,000 by the close of the currently planned public comment period, many of which are typically submitted in the very last days before closure. She added that extending the comment period too far into the future will likely lead to insufficient time for consideration and response, despite the level of resources from the staff and consultant team supporting the comment review, which could be a disservice to those commenters.

Peter Iwanowicz voiced support for maintaining the current public comment period ending June 10, 2022, stating that nearly six months of time is sufficient for this stage of the process and that there will be additional opportunities for public comment, including as part of ensuing regulatory proceedings.

Secretary Rodriguez voiced his support for a short extension directed toward specific communities and sectors to further build out the public record, however, extending the period toward the end of the calendar year would be unreasonable.

CEO Falcone agreed that the majority of public comments are typically received in the last few days prior to closure of the comment period and the schedule before the Council is quite aggressive so any further schedule extensions may make the overall schedule unachievable.

Gavin Donohue restated his concern that some geographic areas of the State were not reached through the public hearings and believes that allowing public comment on the forthcoming information from the subgroups would be of value.

Raya Salter opposed any extension to the comment period and believes building new constituencies and a broad-based public education campaign are of greater importance.

Co-Chair Harris thanked the Council Members for their input and closed out the discussion by stating that she would confer with Co-Chair Seggos after the meeting to determine what, if any, public comment extension should be considered upon balancing the issues. Co-Chair Seggos stated that all input was heard and that he was not opposed to an extension of time. However, he would prefer to consult with agency staff to examine all of the angles and options that may allow for keeping within the current workplan schedule prior to making a final decision on the issue.

Presentation and Discussion: Economy-Wide Strategies Subgroup

Sarah Osgood recapped subgroup expectations, process, and members for the three planned subgroups: Gas System Transition, Alternative Fuels, and Economywide Policies. The subgroups will begin meeting bi-weekly starting in June 2022. Although the subgroups will not have decision-making authority, they are expecting to bring recommendations to the full Council during regular meetings for discussion and decision. Distillations of each subgroup meeting will be publicly posted on the Council website.

Vladimir Gutman-Britten, Assistant Director, Energy and Environmental Analysis, NYSERDA, presented more detail on the Economy-Wide Strategies Subgroup, noting the draft Scoping Plan identified three potential purposes that could be served by an economywide or sector-specific program: (1) ensuring compliance with Statewide emissions limits; (2) providing funding that may be needed to implement other Scoping Plan strategies; and (3) providing a uniform price signal across the economy to drive efficient decision-making. This Subgroup should develop recommendations for an economy-wide program or combination of programs best fulfills the needs identified by the Council. He also provided a detailed list of key focus areas.

In response to an inquiry from Raya Salter who suggested explicitly including disadvantaged communities, just transition, and environmental justice in the key focus areas for the subgroup, Mr. Gutman-Britten stated that those themes are currently included, and are intended to be included, within the focus areas identified.

Presentation and Discussion: Barriers and Opportunities Report

In the interest of time, the Co-Chairs moved the Disadvantaged Communities Report agenda item to the next Council meeting.

Next Steps

Sarah Osgood stated the subgroups will begin meeting twice a month beginning in June 2022, with the written public comment period on the draft Scoping Plan currently open through June 10, 2022. She reminded Council Members that the draft Disadvantaged Communities Criteria public hearings are underway throughout the month of June, with the comment period open through July 7, 2022, and encouraged Council Members to attend the hearings, if possible.

With that, the meeting was adjourned.



KATHY HOCHUL
GOVERNOR

DOREEN M. HARRIS
CO-CHAIR

BASIL SEGGOS
CO-CHAIR

Meeting Agenda

May 26, 2022

- Welcome
- Consideration of April 18, 2022, Minutes
- Update on Public Hearings and Comments
- Presentation and Discussion: Economy-wide Strategies Subgroup
- Presentation and Discussion: Barriers and Opportunities Report
- Next Steps