

Climate Leadership and Community Protection Act

An Overview

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On July 18, 2019, The New York State Climate Leadership and Community Protection Act (CLCPA) was enacted into law. The CLCPA (Chapter 106 of 2019) establishes aggressive, legally binding targets to completely transition New York's economy off fossil fuels. This new law has significant implications for every sector, and will spur innovation, create jobs,

To get from where we are today to a fossil-fuel free New York by 2050, the law creates a framework of emissions reduction targets, action plans, a blueprint for an equitable transition across all sectors of the economy, and important government reporting and accountability measures.

Key Provisions

Emission Reduction Targets

The goal of the CLCPA is to eliminate 100% of the climate pollution caused by humans, calling for an 85% reduction in greenhouse gas emissions by 2050, with an interim target of 40% by 2030.

The legislation allows for the remaining 15% of emissions beyond the 85% reduction mandate to be achieved by a very limited offset program that only some select industries can participate in. The CLCPA also provides for an electricity-sector mandate, requiring 70% of all of New York's electricity to come from renewable sources by 2030 and 100% zero emission generation by 2040. The electric generation sector is not one that can participate in the offset program.

Action Plan

To meet the objectives set out in the CLCPA, all of state government will need to reorient its many decision making processes. This will be achieved mainly through the development and implementation of a Climate Action Plan.

The Climate Action Plan will be created by a Climate Action Council, which will consist of 22 members from key state agencies and independent legislative appointments. The Department of Environmental Conservation (DEC) and New York State Energy Research and Development Authority (NYSERDA) will co-lead the council.

The Council's work will be informed by several newly created working groups and expert advisory panels, including a Climate Justice Working Group, Environmental Justice Advisory Group, and Just Transition Working Group. The Council will be expected to develop a plan that provides detailed recommendations for action in the areas of transportation, energy intensive and trade-exposed industries, land use and local government, energy efficiency and housing, power generation, and agriculture and forestry.

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The plan will guide the adoption of rules and regulations to ensure compliance with state-wide emissions limits and implementation of the recommendations contained within the final plan. The initial draft Action Plan is due by January 1, 2022 with the final report due by January 1, 2023.

Just Transition

Disadvantaged communities are suffering the effects of climate change and pollution today. The CLCPA acknowledges the need to assist in a 'Just Transition' off fossil fuels and significantly incorporates the principles of equity and environmental justice in the investment and decision-making framework. The CLCPA establishes the Climate Justice Working Group, the Environmental Justice Advisory Group, and the Just Transition Working Group, which will all play different roles in the just transition off of fossil fuels.

The Climate Justice Working Group will help identify disadvantaged communities who under the legislation will receive at least 35% of the benefits of clean energy and energy efficiency initiatives implemented by the state. The Environmental Justice Advisory Group will advise state agencies to embed the concept of equity in state agency decision-making and the Just Transition Working Group will prepare a comprehensive workforce development plan for the Climate Action Council.

Reporting and Accountability

In order to measure progress, the CLCPA contains a number of accountability measures, including:

- A comprehensive report on statewide greenhouse gas emissions, including emissions associated with imported electricity and fossil fuels. (Annual, DEC)
- Period reports on the progress toward meeting greenhouse gas limits and recommending modifications to regulations to ensure the state meets climate and equity goals. (Once every four years, DEC)
- Mandates for all of state government to apply a climate and equity screen to every decision they make, from launching new programs to issuing a permit and authorizes state agencies and authorities to promulgate regulations to implement the policies of the CLCPA.
- Requirements for DEC to monitor and enforce compliance with its greenhouse gas emission reduction regulations.
- Increased legal standing for the public to challenge agency decisions.