

Climate Action Council Begins Public Hearings on Climate Leadership and Community Protection Act Draft Scoping Plan

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The New York State Climate Action Council ("CAC") is holding a series of public hearings soliciting feedback on its Draft Scoping Plan under the State's Climate Leadership and Community Protection Act ("CLCPA"). The eight in-person hearings taking place across New York State and two virtual hearings are scheduled through May 11, 2022. These hearings mark the first opportunity for the public to provide its input on the Draft Scoping Plan, which will provide a policy roadmap for broad implementation of the State's nation-leading CLCPA.

The CLCPA was initially passed in July 2019 and is a significant piece of legislation both for its scope and its aggressive goals—including reduction of greenhouse gas ("GHG") emissions to 85% of 1990 levels by 2050 and creating a zero emission electrical grid by 2040.

Although these goals are widely known, the path forward to achieve them has been less clear since the CLCPA largely leaves specific implementation to individual State agencies. To help guide State agencies in regulatory and administrative implementation of this vast piece of legislation, the CLCPA established the CAC and tasked the CAC with development of a scoping plan. To be sure, the scoping plan will impact every corner of the State and every segment of our economy.

The Draft Scoping Plan, currently up for comment at these public hearings, is the first iteration of the CAC's scoping plan. Among other things, the Draft Scoping Plan calls for a number of significant changes that will impact daily life in New York State. By way of illustration, the Draft Scoping Plan calls for a transition away from natural gas. This shift would require substantial changes to existing infrastructure and would spur significant changes for all types of buildings, from residential and commercial to industrial. Relatedly, the Draft Scoping Plan calls for more than 90% of total building space statewide to be electrified, meaning that nearly everything in any building throughout New York State—from appliances to heating apparatuses—must be electric. This push for electrification has the potential to materially increase costs to consumers and will require sweeping changes to the State's building codes, retrofitting of existing buildings, enhancement of the State's electrical distribution system, and careful planning for new construction. Further, in order to effectively meet the CLCPA's goals, these changes must be done simultaneously with transition of the energy grid to cleaner and renewable sources. To that end, the Draft Scoping Plan also calls for accelerated deployment of renewable energy infrastructure, including generation and storage.

A Final Scoping Plan is due from the CAC by the end of 2022. Unlike the

Draft Scoping Plan, which is still under consideration and subject to change, the Final Scoping Plan will be a policy mandate from the CAC that agencies will be required to utilize in their regulatory and administrative decision making. This final version will take into account comments made at the public hearings currently taking place. Inasmuch as the Final Scoping Plan will potentially impact every sector statewide, broad participation in these public hearings is imperative. The CAC has

made clear that all comments made during the public hearing process will be given equal weight regardless of venue or format. Given the sweeping impacts anticipated, business leaders throughout New York State should seriously consider making their perspective heard before the Final Scoping Plan is issued. Now is your opportunity to be heard.

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