

## **Green Education and Legal Fund**

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### **Testimony of the Green Legal and Education Fund Inc. To the New York State Legislature Joint Budget Hearing on the 2024-25 Executive Budget Proposal on Environmental Conservation**

February 7, 2024

My name is Mark Dunlea, and I am chair of the Green Education and Legal Fund (GELF). I am also the convener of PAUSE (People of Albany United for Safe Energy), the 350.org affiliate in the Capital District and serve as Secretary of the EcoAction Committee of the Green Party of the U.S. Thank you for the opportunity to testify on the state budget on environmental issues.

Our comments reflect that the world – and New York – has run out of time to take essential radical action to avoid climate collapse. Deadly, costly extreme weather was rampant across the planet in 2023. As New York State legislators were preparing to leave Albany for the year last June, the state experienced some of the worst air quality on the planet due to the smoke from extensive wildfires in Canada.<sup>1</sup> Climate scientists are presently debating how close global warming came to the 1.5 degrees C warming target in 2023; some reports indicate that the limit was breached.<sup>2</sup> The UN Secretary-General says that there is no longer time for incremental changes and that the slow action by governments to reduce emissions has resulted in the opening of the Gates to Hell.<sup>3</sup>

Among key budget issues:

- We are heartened that Governor Hochul has included key provisions of the NY Heat Act in her proposed budget. The proposal would end some of the major subsidies provided to fossil fuel companies (the 100-foot rule for free gas line hookups) while ensuring that the policies of all state entities (e.g., PSC) align with the state's climate law (CLCPA) to ensure a rapid transition from fossil fuels to clean renewable energy. Lawmakers should include the entire Heat Act in the budget, including capping utility bills at 6% of income for low- and moderate-income households.

- The legislature should enact key provisions related to the Governor's proposed cap-and-invest program. With DEC estimating that the actual cost of greenhouse gas emissions is \$121 a ton, the proposed \$23 a ton initial floor on carbon pricing is ridiculously low and continues the state's massive subsidy of fossil fuels. The state should not exempt electricity producers from the new cap-and-trade program, at most providing a credit for any costs associated with their potential continued involvement with RGGI. The state should also not exempt energy intensive, trade challenged greenhouse gas emitters from the program. The state should significantly speed up the greenhouse gas emission targets in the CLCPA, as the world is already close to exceeding the global warming target cap of 1.5 degrees C. And the state should enact provisions such as outlined by NY Renews and in As. Kelles' legislation (A8469) to ensure that emissions are reduced in environmental justice communities.

GELF continues to oppose a cap-and-trade program which even Pope Francis warns has been manipulated by various Wall Street schemers and often has had a negative impact on EJ communities. GELF supports a carbon tax instead.

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<sup>1</sup> <https://www.cnn.com/2023/06/06/us/new-york-air-pollution-canada-wildfires-climate/index.html>

<sup>2</sup> <https://www.vox.com/23969523/climate-change-cop28-paris-1-5-c-uae-2023-record-warm>

<sup>3</sup> <https://news.un.org/en/story/2023/09/1141082>

- The legislature should include the Renewable Capitol Act (S2689 / A5633) in the state budget, mandating that the state convert the state Capitol complex (including the Plaza, State Museum, Alfred E. Smith building) within 3 years to 100% renewable energy. The proposal advanced by the OGS Commissioner in her budget testimony that they hope to reduce emissions from the plaza by only 50% in the next decade leads us to question what planet does the Hochul administration believe they are living on. We recommend that \$50 million be appropriated in this year's budget.

- It is long past time for State lawmakers to make polluters pay for the damages they have caused from burning fossil fuels, rather than imposing massive additional costs on taxpayers and consumers. A recent study found that health care costs alone in New York State from air pollution exceeds \$50 billion annually. We support the enactment of the Climate Change Superfund Act (S2129A/A3351A) to make the largest polluters in the state contribute \$3 billion annually to pay for part of the damages they have caused, though that sum is woefully inadequate. We also find it hard to comprehend how lawmakers have failed to pass the Stop Climate Polluters Handout Act (S3389/A7949A) to end \$330 million of the state's annual direct \$1.5 billion tax subsidy to fossil fuels, starting with ending the tax exemption for aviation fuel.

- The legislature should reject the proposal by Governor Hochul to cut in half the annual investment of state funds in clean water infrastructure and instead increase the present \$500 million annual allocation to at least \$600 million. The CWIA program has been funded at \$500 million annually since 2019, yet the Governor has proposed to cut funding by 50%, down to \$250 million. New York State agencies have conservatively estimated that the state will need to invest \$80 billion to upgrade and maintain wastewater and drinking water infrastructure over 20 years. We also support other calls by the Clean Water Coalition, including banning the PFOA forever chemicals and providing funding to allow residents to test their water supplies and link to public water systems if needed.

- The legislature should ensure that the Hochul administration rapidly implements the authorization for the NY Power Authority to build additional renewable energy. The need for this was illustrated this summer when many of the private companies with subsidy contracts from the state sought to receive significant increases in the level of subsidies. While the increases were rejected by the PSC, there are indications that NYSERDA will approve increases in the next round of bidding. Public ownership is cheaper for consumers. It also provides a mechanism to allow for public input into the siting of such facilities, which remains a major barrier in the state. The state should also take public ownership of the transmission grid to lower its costs, improve coordination between the state and renewable energy projects, and speed up its upgrades.

The legislature should expand and improve the Bottle Bill to include wine, spirits, hard cider, and most non-carbonated beverages, and after more than 4 decades, increase the deposit from a nickel to a dime. GELF also supports passage – as a standalone bill – of the Packaging Reduction and Recycling Infrastructure Act (S4246-a/A5322-a). -

GELF is disappointed that State Comptroller Tom DiNapoli appears to be backing away from his stated intention to divest the state pension fund from fossil fuels in exchange for state lawmakers agreeing not to pass legislation that was sponsored by nearly a majority in both houses. We would recommend that explicit language to divest the State Common Retirement Fund from fossil fuels be included in the state budget, as the lower rate of return due to non-divestment will increase the financial burdens on local and state taxpayers. For many years fossil fuels have been the worst performing sector on the stock market, a trend that will accelerate as the world's governments

move away from allowing fossil fuels to be burnt. Plus, taxpayers should not be investing in companies that pose an existential threat to life on the planet.

GELF supports passage of the Climate Education Bill (S278A / A1559A) to establish a course of instruction and learning expectations on climate education in all public elementary and secondary schools.

GELF opposes the legislation to establish a Clean Fuel Standard. (A964/S1292). To meet the state's climate goals, New York must transition away from vehicles powered by internal combustion engines and into zero emission vehicles across all classes. Clean energy supply standards such as a "low carbon fuel standard" fail key tests of the CLCPA. The bill creates a scheme that could perpetuate and even increase the state's reliance on natural gas and other fossil fuels. This bill, which looks to "reduce carbon intensity from on-road transportation by 20% by 2030 with further reductions based on advances in technology," falls significantly short of the CLCPA goals.

### **Enact an Ecosocialist Green New Deal**

GELF along with the Green Party first called in 2010 for New York to enact a Green New Deal, building on the legacy of FDR, the former Governor of our state and later president. We called for a ten-year transition to 100% renewable energy, zero emissions, combined with a strong economic bill of rights including universal single payer health care; a guaranteed living wage job / basic income for everyone; free education including college; and affordable housing. It included strong support for a Just Transition and environmental justice.

We continue to call for the state to officially declare a climate emergency, which needs to include a halt to any new fossil fuel infrastructure and an investment of at least \$15 billion annually in renewable energy and other Green New Deal initiatives. The state must make surviving climate change the number one priority for all actions at every level of government.

NYSERDA has estimated that the cost of transitioning the state to net zero emissions by 2050 to be \$2.7 trillion— roughly \$90 billion a year. While they optimistically estimate that 90% of the funds will come from redirecting existing energy expenditures, it would still require the state to raise an additional \$10 billion a year.

The state needs to create an ongoing revenue stream for climate action, including assisting New York households to pay for the clean energy transition. This includes \$2 billion annually for subsidies for low and middle-income households to decarbonize their residences.

### **The State Should Enact A Carbon Tax rather than Cap and Trade**

GELF's recommendations on how to respond to the Governor's cap-trade-and-invest carbon pricing programs are detailed below. We believe, like most economists, that a robust carbon tax is a much better alternative. GELF helped draft a state carbon tax bill<sup>4</sup> in 2015 with As. Cahill (with Senator Parker). We must end the taxpayer subsidies for fossil fuels. Of the \$7 trillion estimated by the International Monetary Fund in global subsidies, the vast majority is from governments' failure to hold polluters responsible for the damages their actions cause.<sup>5</sup>

<sup>4</sup> [https://assembly.ny.gov/leg/?default\\_fld=&leg\\_video=&bn=A00077&term=2021&Summary=Y&Text=Y](https://assembly.ny.gov/leg/?default_fld=&leg_video=&bn=A00077&term=2021&Summary=Y&Text=Y)

<sup>5</sup> <https://www.imf.org/en/Topics/climate-change/energy-subsidies>

The IMF recommends that the price of carbon should be set at least at \$85 a ton.<sup>6</sup> There should be an annual increase of \$15 to \$20 a ton. DEC estimates the social cost of carbon is \$121 per ton.<sup>7</sup> The Hochul administration is proposing an initial floor of \$23 a ton.

One of the reasons why many climate groups oppose cap-and-trade is that it often enables polluters to continue their pollution in more disadvantaged communities in exchange for improvements elsewhere, a problem cited by the state's climate justice working group and some members of the Climate Action Council. The Pope opposes such efforts: "The strategy of buying and selling 'carbon credits' can lead to a new form of speculation which would not help reduce the emission of polluting gases ... in no way does it allow for the radical change which present circumstances require."

The fact that California had a cap-and-trade program was the main reason the environmental justice groups blocked President Biden's nomination of Mary Nichols, the long-time head of the nationally renowned California Air Resources Board, to head the EPA.<sup>8</sup>

A report last year by "a state-appointed panel of experts ...warned that California could miss its legally binding target of reducing greenhouse gas emissions by 40 percent below 1990 levels by 2030, largely as a result of the design of the state's complex 'cap-and-trade' market."<sup>9</sup>

Progressive climate groups such as Friends of the Earth, Greenpeace, and the Green Party opposed the effort to establish a national cap-and-trade program during the Obama administration. Former NASA scientist James Hanson, one of the first to sound the alarm about climate change, said: The truth is, the climate course set by [the] Waxman-Markey [cap-and-trade bill] is a disaster course. It is an exceedingly inefficient way to get a small reduction of emissions. It is less than worthless...."<sup>10</sup>

A 2017 review of NY's existing cap-and-trade program (RGGI) by the Congressional Research Service<sup>11</sup> concluded that it had not been particularly effective in reducing greenhouse gas emissions since the cap had been set too high. The Hochul administration plans to use the CLCPA emission goals for the caps. Climate groups led by Earth Justice had submitted testimony to the CAC that such an approach would be superfluous since it would not add anything to the existing effort.

### **Rebate at Least Half of Carbon Pricing to Consumers**

Since low- and moderate-income consumers spend a higher percentage of their income on basic necessities such as energy, any energy tax is considered regressive. Steps need to be included in the design of any energy tax/penalty/pricing to make it more progressive. Governor Hochul has

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<sup>6</sup> <https://www.reuters.com/business/environment/imf-chief-says-countries-should-shift-fossil-fuel-subsidies-fight-climate-change-2024-01-17/>

<sup>7</sup> [https://www.dec.ny.gov/docs/administration\\_pdf/vocguid22.pdf](https://www.dec.ny.gov/docs/administration_pdf/vocguid22.pdf)

<sup>8</sup> <https://caleja.org/2020/12/press-release/>

<sup>9</sup> <https://insideclimatenews.org/news/25022022/why-do-environmental-justice-advocates-oppose-carbon-markets-look-at-california-they-say/>

<sup>10</sup> <https://www.masterresource.org/california-state-energy-issues/environmentalists-vs-cap-and-trade-ca/>;  
<https://insideclimatenews.org/news/23112010/rubble-cap-and-trade-big-green-taking-beating/>

<sup>11</sup> <https://crsreports.congress.gov/product/pdf/R/R41836/14>

indicated that only one-third of the costs of her proposal will be rebated, though details are very sparse.

A traditional approach is to rebate some if not all of the “energy tax” to consumers. There are many variations to this, with pros and cons to the different approaches. (See my [carbon pricing chapter](#)<sup>12</sup> in my climate book.

When I helped draft the state carbon tax bill in 2015, we surveyed more than one hundred climate activists and groups to come up with what percentage should be rebated. The median response was 60%, which we included in the bill, targeting it to low- and moderate-income New Yorkers. However, we have always been clear that the rebate provisions in the bill were a placeholder. There are many legitimate perspectives on how to structure the rebate (including the size), and it would be impossible for us to come up with an approach that everyone embraced. We said that the amount of the rebate would be resolved during the final negotiations over a carbon tax.

Polls do show slightly stronger support, particularly among Republicans, when the revenues are invested in renewable energy rather than a rebate.

The easiest and cheapest way to provide the rebate is through the annual state income tax filings. However, this is not an ideal situation for low-income New Yorkers, who often have limited interaction with the state income tax system. Plus, households struggling on a monthly basis to pay their bills are not helped much by receiving a tax refund once a year. One of the improvements that NY Renews proposed in their polluter penalty bill was alternative ways to provide a rebate, such as through free mass transit cards.

One of the few positive developments of the COVID crisis was that the government figured out a way to provide several stimulus checks directly to individuals. This would enable governments to adopt a similar approach for a carbon pricing rebate.

### **Adopt Faster Greenhouse Emission Reduction Goals in C&I.**

The State Legislature needs to treat the CLCPA as a floor rather than a ceiling when it comes to reducing emissions and transitioning to clean, renewable energy. Any cap-and-invest program should incorporate stronger and faster caps on emissions than presently in the CLCPA.

The emission reduction goals outlined in the CLCPA (e.g., 40% by 2030) are inadequate to keep global warming below the 1.5 degree C target. President Biden has set a national target of a 50 to 52% reduction in emissions by 2030, significantly faster than the CLCPA. To meet such national goals, states led by Democrats need to adopt faster timetables to offset slower action in Republican-controlled states. Climate scientists are presently debating how close global warming came to the 1.5C target in 2023; some reports indicate that the limit was breached.<sup>13</sup> The UN Secretary-General says that slow action by governments to reduce emissions has resulted in the opening of the Gates to Hell.<sup>14</sup>

<sup>12</sup> <http://gelfny.org/putting-out-the-planetary-fire/chapter-4-carbon-pricing/>

<sup>13</sup> <https://www.vox.com/23969523/climate-change-cop28-paris-1-5-c-uae-2023-record-warm>

<sup>14</sup> <https://news.un.org/en/story/2023/09/1141082>

The CLCPA goals are also slower than those recommended by the Intergovernmental Panel on Climate Change (45% by 2030<sup>15</sup>). The developed, industrial countries need to slash emissions much faster than the worldwide average, as developing countries will have higher emissions as they seek to catch up with the Global North in terms of raising their standards of living through economic development. In addition, the IPCC acknowledges that its emission reduction goals are far too slow to keep global warming below 1.5 degrees Celsius. They instead rely on the development of carbon capture technology to avoid climate collapse despite that approach not being shown to be viable after decades of research and tens of billions of dollars in investments.

### **GELF Supports the Objectives NY Renews Sets Out for Cap and invest.**

A cap and invest program only benefits New Yorkers if it is implemented in a just way. To do so, we need key protections:

1. Pollution limits must decline every year in every sector, including the electric sector, and these limits must be strongly enforced.
2. Facility-specific caps on greenhouse gas and co-pollutant emissions must be non-tradable, with aggressive penalties for exceeding cap levels. Do not allow permit trading to game the system. Permits should not include trading after purchase, double allowances, offsets, and banking of unused permits year-to-year.
3. Revenue collection must be tailored not to harm vulnerable New Yorkers. The cost burden for New Yorkers who can least afford it must not be made worse. The cap and invest program must include rebates and targeted relief for low- and moderate-income households to ensure energy bills go down. We believe the strongest approach is to create a Climate and Community Protection Fund and direct any funds raised to that fund.
4. Any cap and invest system must be part of a broader regulatory approach to reducing pollution, and must ensure that New York can achieve the greenhouse gas reduction mandates in the CLCPA.
5. Pollution reduction mandates for overburdened communities by agencies including the NYS Department of Environmental Conservation, and the Attorney General's office. In addition to a C&I system, we need a broad array of effective regulations and enforcement to reduce pollution.
6. Permits must avoid loopholes. Cap and invest must avoid loopholes that have weakened or undermined other efforts, including permit banking, offsets, and exemptions. Permit holders should not be allowed to play games with trading after purchase, exemptions, double allowances, offsets, and banking of unused permits year-to-year.
7. Permits should have a clear and escalating price, not set by auction. If the final program auctions the permits, we must ensure a price floor sufficient to support spending and drive emissions reductions and weigh in pricing towards Disadvantaged Communities and environmental justice areas. The price and regulations must be based on the CLCPA's current 20-year cost accounting.

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<sup>15</sup> [https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15\\_Headline-statements.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2019/06/SR15_Headline-statements.pdf)

## **Provide \$50 Million to Support the Renewable Capitol Act**

### **Make Sheridan Hollow a Model Climate Justice Community**

The Renewable Capitol Act mandates that several state facilities in downtown Albany, including the Empire State Plaza and the State Capitol building, receive their electric power, and heating and cooling from 100% renewable energy within three years, after a planning process with local community input. This bill follows a successful campaign by the Sheridan Hollow Alliance for Renewable Energy (SHARE) that stopped the state from building two gas fired turbines to meet state energy needs in Sheridan Hollow, an environmental justice neighborhood near the State Capitol. This bill will force the state to finish the job of protecting local residents from threats to their health due to fossil fuel combustion on the site, while addressing climate change.

In last year's state budget, lawmakers directed the Hochul administration over the next two years to conduct feasibility studies to decarbonize the fifteen largest greenhouse emitters among the state-owned buildings. The Capitol Complex is one of the largest emitters. Faster work fortunately is possible for the Capitol complex since NYPA and OGS two years ago began developing an energy master plan for the Empire State Plaza.

Climate justice advocates were stunned during OGS' recent budget testimony to hear that the Hochul administration planned to take ten years to achieve only a 50% reduction in fossil fuel emissions at the State Plaza complex.

The State of Michigan recently took 18 months from start to finish to convert its state capitol to geothermal energy, as Oklahoma and Colorado had done previously. Taking an additional ten years to do only half the work is not acceptable," said Albany County Legislator Mert Simpson, Co-Chair of SHARE.

A mere 50% reduction in fossil fuel emissions over ten years is not consistent with the state's new climate law. OGS and NYPA have clearly gone down the wrong path with the design of their study. Based on the limited information that has been disclosed so far, it is clear that they have not looked at common sense measures like converting the state Capitol to use geothermal energy for heating and cooling. If New York's government cannot meet its own climate goals, how can we expect private industry to meet these goals?

Converting the state Capitol to 100% clean renewable energy is a critical environmental justice issue. For more than a century the state has polluted a low-income African American community to power the Capitol Complex, at various times burning coal, oil, gas, and garbage. State health data shows a significant cancer cluster near the plant on Sheridan Avenue. In rejecting Cuomo's proposal to expand fossil fuel burning in the community, state lawmakers directed NYPA and OGS to instead spend the \$88 million appropriation to the extent practical on renewable energy. While energy improvements have been made, progress has been much slower than expected, leading lawmakers to propose the Renewable Capitol Act (A5633 / S2689). The bill passed Senate Finance two years ago and likely would have passed in the Senate if the Assembly had been willing to act.

The only real debate is the question of when - not if - the state will start the job of converting the Capitol to renewable energy and when they will complete it. Michigan's recent 18-month conversion of its Capitol to geothermal along with electric upgrades resulted in a 25% reduction in their annual energy bill.

The legislature should amend the state budget to include the Renewable Capitol Act along with an additional \$50 million to begin needed improvements such as finishing the conversion to electric rather than steam chillers and to undergo electric upgrades.

The transformation of the ESP Complex to 100% renewable energy should be a model for how New York transforms its energy economy away from fossil fuels and toward meeting the greenhouse reduction goals of the Climate Leadership and Community Protection Act (CLCPA). The Sheridan Avenue Steam Plant (SASP), which heats and cools the ESP complex, has polluted the low-income Sheridan Hollow neighborhood for more than a century, first burning coal, then oil and now fracked gas. In light of this century of pollution of Sheridan Hollow and Arbor Hill, the state should also invest in making the neighborhood a pilot program for moving environmental justice communities to 100% clean energy, with quality jobs and job training for members of the impacted community.

However, there are still six gas boilers used to provide the steam to heat and cool the complex. This continues to subject the surrounding Sheridan Hollow and Arbor Hill neighborhoods, both consisting predominantly of low-income, people of color residents, to pollution. The Sheridan Avenue Steam Plant (SASP) has burdened the community since 1911, and the notorious ANSWERS trash to steam plant released heavy metals and other toxic chemicals into these neighborhoods throughout the 1980s and 1990s. The people who live there have high rates of health problems including asthma and cancer. Continued operation of the SASP is contrary to DEC's Environmental Justice Policy (DEC Commissioner Policy 29), which provides that:

*No group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations.*

Second, the SASP continues New York's dependence on fossil fuels in contradiction to the CLCPA that calls for 40% reduction in greenhouse gases by 2030. New York has committed to transition to a renewable energy economy. We must make the Plaza a showcase for the rest of the state and the country. To meet these aggressive climate goals, we must not only stop new fossil fuel infrastructure, but we must also begin to shut down existing fossil fuel facilities.

The states of Oklahoma and Colorado heat and cool their state capitol buildings with geothermal energy and so does St. Patrick's Cathedral in New York City. Stanford University recently replaced its co-generation fossil fuel power plant in favor of a heat sharing system with an energy savings of over 60%. A renewable energy solution incorporating geothermal technology for the Plaza would showcase New York as a climate leader and serve as a model for the nation.

Finally, renewable options are available now. If we are to transition our state to renewable energy, we must teach our workforce and state agencies how it is done. NYPA can use the Plaza as a training center for future projects. Nationally known geothermal expert Jay Egg has demonstrated, with a team of experts involved in the design and development of large-scale projects, that geothermal and thermal load sharing are thoroughly viable options for heating and cooling the Plaza.

The states of Oklahoma and Colorado presently heat and cool their state capitol buildings with geothermal energy, as does St. Patrick's Cathedral in New York City and Skidmore College in Saratoga. NYPA, while having taken admirable steps to modify its original proposal, still has not provided a clear plan to heat and cool the ESP Complex with renewables. We call on the NYS



legislature to provide the resources necessary to transition the ESP complex and Sheridan Hollow to renewable energy, making them models of how to achieve our new energy future.

### **Include the entire NY HEAT Act (A.4592B/S.2016B) in SFY 2024-25 Budget**

Significant portions of this legislation were included in Governor Hochul’s Executive Budget Proposal (“The Affordable Gas Transition Act,” TED Part P). This legislation is crucially needed to align regulation and oversight of gas utilities with the climate and equity mandates established by the state’s Climate Leadership and Community Protection Act (CLCPA).

New York's current public service law is not compatible with the CLCPA. Existing public service law promotes gas system expansion by establishing a gas utility obligation to serve any customer upon request while providing that existing customers subsidize new service connections, all of which move the state away from the important climate justice directives and binding emissions limits in the CLCPA. In total, New York ratepayers subsidize more than \$400 million worth of fossil fuel hookups and infrastructure every year, something this bill ends by removing the requirement that ratepayers subsidize new gas hookups within one hundred feet from residences.

Fossil fuels burned in New York’s building stock for heating, hot water, and cooking account for approximately one-third of greenhouse gas emissions in New York State. Additionally, recent studies illustrate how heating and cooking with fossil fuels like natural gas impacts our indoor air quality, contributing to cases of asthma and heart disease. Existing public service law promotes gas system expansion in its stated obligation to serve customers and its business model. This undermines the important climate justice directives and binding emissions limits in the CLCPA. Thus, this bill better aligns the rules and business practices of the Public Service Commission (PSC) with reduced gas reliance, transition to more sustainable utilities, and prevents energy bill burden by codifying the state goal that customers must be protected from bearing energy burdens greater than 6% of their income.

Unfortunately, the Governor’s proposal does not include the NY Heat Act’s measures to address affordability. Provisions to ensure affordability for all New Yorkers are essential as part of this policy because as customers who can afford to leave the gas system continue to do so, fewer people will be left on the gas system, causing their energy bills to rise. The current NY HEAT Act protects consumers who cannot afford to leave the gas system, while also giving utilities the tools they need to help get those customers off the gas system.

### **GELF Supports NY Renews’ Climate, Jobs & Justice Proposals<sup>16</sup>**

The Climate, Jobs, and Justice Package is a legislative roadmap to rapidly decarbonize New York, make our state healthier and more equitable, ensure a just transition for workers, and help create an accessible clean-energy economy that will benefit the New Yorkers of today and tomorrow. It is organized around two key demands:

#### 1. Pass the People’s Climate Justice Budget

This involves investing in the state’s newly minted Climate Action Fund which was created in 2023.

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<sup>16</sup> <https://www.nyrenews.org/cjpp>

The People’s Climate Justice Budget outlines \$1 billion in funding for thirty critical, shovel-ready<sup>17</sup> climate, transportation, housing, and energy programs developed by communities that are a must for 2024. This budget essentially helps kickstart a pollution-free, resilient climate future that is built by workers with good union jobs, ensuring a healthy, livable state for generations to come.

The State government has determined that NY will have to spend \$10 billion each year to address the climate crisis at scale. \$1 billion is a downpayment to launch critical climate programs in 2024. This money would update NY’s energy grid, shore up our coastal regions, make our homes safer, lower our energy bills, and improve roads and public transportation vulnerable to rising seas and worsening storms.

## 2. Pass the Climate, Jobs & Justice Package

NY Home Energy Affordable Transition Act (S.2016-A/ A.4592-A) will give the Public Service Commission the authority and direction to align gas utilities with the Climate Act’s emission reduction and climate justice mandates. As noted above, the Governor has included much of this in her proposed budget.

Just Energy Transition Act (S.2935-C/A.4866-C) provides a plan to guide the replacement and redevelopment of at least 4 gigawatts of New York State’s oldest and most polluting fossil fuel facilities and sites by 2030. It lays out a clear, mandatory direction for moving forward with the transition off fossil fuels per the Climate Act.

Climate Change Superfund Act (S.2129-A/A.3351-A) makes the state’s worst polluters, major oil companies, pay to repair and address the harm they have caused. The bill would require the Department of Environmental Conservation to assess and collect an annual fee from Big Oil companies that released over one billion tons of greenhouse gas emissions from 2000 to 2018. Big Oil’s greenhouse gas emissions caused the climate crisis and they—not the taxpayers—should pay for the costs.

### **Enact the State Climate Change Superfund act.**

The Climate Change Superfund Act (S2129A/A3351A) establishes the climate change adaptation cost recovery program, which would require companies that have contributed significantly to the buildup of greenhouse gases, the primary cause of climate change, to bear a share of the costs of infrastructure investments required to adapt to the impacts of climate change in New York State. These costs would be assessed against those companies responsible for the emission of greenhouse gases that exceed one billion tons during the covered period, December 1, 2000, through December 31, 2018.

The program established in this legislation would assess the major fossil fuel emitters \$3 billion *annually* over the span of 25 years to offset the climate damages incurred by the state. Furthermore, the bill requires that an independent evaluation be conducted of the program.

*Who should pay? It must be Big Oil.* It is clear from historical records that for the better half of the late 20th Century, oil companies knew burning fossil fuels was warming the planet.<sup>18</sup> Nevertheless, starting in the 1980s, the industry championed an aggressive climate change denial campaign

<sup>17</sup> <https://docs.google.com/document/d/1czaYUSPcB8e-772ngdM5BKkiqnlxdDvyna2XImXIMGY/edit>

<sup>18</sup> Los Angeles Times, “Special Report: What Exxon knew about global warming’s impact on the Arctic,” <https://www.latimes.com/business/la-na-adv-exxon-arctic-20151011-story.html>.

opposing any policy proposals and undermining climate science. Their success in bamboozling many Americans has pushed the planet to the brink.

The world's biggest oil companies are reaping enormous profits while people across the globe suffer from unprecedented climate disasters. New York taxpayers were burdened with nearly \$2 billion in climate damage and resiliency costs over the past 12 months according to a review of Governor Hochul's news releases.<sup>2</sup> At the same time, Big Oil companies have racked up staggering profits - \$750 billion since 2021.<sup>3</sup>

The Climate Change Superfund Act is first-in-the-nation legislation to put Big Oil, which is still driving the climate crisis, on the hook for climate damages and resiliency. The legislation is modeled on the "polluters pay" principle established in the 1980s under the successful Federal and State Superfund laws that require companies to pay to clean up their toxic waste dumps. *We all learned the basic rule in kindergarten - you make a mess; you clean it up. Corporate climate polluters should be financially responsible for the environmental damage that they have caused.* This bill *would not* result in consumer price increases according to an economic analysis by NYU Law's Institute for Policy Integrity because "polluter pay" fees are for past greenhouse gas emissions.<sup>4</sup>

Big Oil is at fault, and it can certainly afford the "polluter pays" fees. The oil industry has known for decades that the burning of oil, coal, and gas would lead to global warming, but they mislead the public over the dangers.<sup>5</sup> A Rebuild by Design report estimates NYS climate infrastructure related costs could be \$55 billion by 2030.<sup>6</sup> The U.S. Army Corps of Engineers estimates it will cost \$52 billion to protect NYC Harbor alone.<sup>7</sup> It was recently estimated that Long Island faces up to \$100 billion in climate costs.<sup>8</sup> Storms are worse, sea levels are rising, and extreme heat and wildfires are increasing - and those repair and resiliency project expenses are unfairly burdening local and state governments.

The Climate Change Superfund Act is fair, just, and popular. According to a Data for Progress poll, 89% of New Yorkers support fossil fuel companies covering some of the cost of climate damages.<sup>9</sup> Over 230 environmental, health, faith, labor, and community groups support the bill, stating in a letter to Governor Hochul that the fossil fuel industry should pay since their decisions led to global warming; justice requires they be financially responsible for the tragically enormous climate crisis impacts they created.

Thousands of green jobs could be created with the Climate Change Superfund with monies for major projects to repair climate damage and build resiliency throughout the state.

The Climate Change Superfund Act would support:

- Massive statewide upgrades to roads and bridges, subways, and transit systems;
- Unprecedented upgrades to storm water drainage, sewage treatment, and other water systems;
- Preparing the power grid for stronger hurricanes and other severe storms;
- Installing new systems to protect people from more frequent, escalating, deadly heat waves (*e.g.*, the costs for ensuring that air conditioning exists in schools); and
- Responding to increased environmental and public health threats, such as air and water pollution.

New York has a strong history in holding the polluting industry accountable for the contamination they created. Both the Federal and State Superfund and the Oil Spill Fund are based on the

“polluter pays principle,” with funding coming from annual fees placed on the oil and chemical industry for hazardous waste generated, and for their use of toxic chemicals and petroleum. These precedents provide a fitting and appropriate model for the fossil fuel industry—climate crisis contributors should be responsible for the costs related to the growing catastrophe from GHG emissions.

### **End the \$7.6 Billion Tax for Nuclear Subsidies**

We urge the state legislature to direct the Public Service Commission and other relevant state entities to halt the mandate that consumers provide \$7.6 billion in subsidies to keep old, unsafe, uncompetitive nuclear power plants open in upstate New York. Energy efficiency measures and newer, cleaner, renewable sources of power are more cost-effective, better for human and environmental health and create more jobs.

The Nine Mile Point, FitzPatrick and Ginna nuclear plants -- like the Indian Point power plant you shut down -- are inefficient and dangerous power sources and should be decommissioned. Most of these plants were built in the Vietnam era. New York’s overburdened ratepayers simply should not have to fork over billions of dollars in higher utility bills to subsidize such aging, economically uncompetitive nuclear plants.

Utility reports filed with the state show that more than 800,000 consumers in New York State are already in arrears on their utility bills. Many more New Yorkers currently struggle to pay electric rates that are among the highest in the nation. Increasing the monthly charges for these vulnerable New Yorkers will only make a bad situation worse.

Higher utility bills will also place a strain on businesses, schools, charitable organizations, and local governments. New York communities are already straining against the limits of the local property tax cap. We cannot afford to see our municipal energy costs go up even further to bail out an industry that brings no economic development to our communities. We want to keep this money in our own communities to support our own local needs, including our own municipal energy efficiency and clean energy projects.

New York State’s proposed multi-billion-dollar subsidy, which is essentially a “ratepayer tax,” is also a misallocation of resources that New York should be investing in energy efficiency and cleaner, safer alternative energy sources.

The \$7.6 billion ratepayer-funded subsidy to keep nuclear plants open will save only about 2,000 jobs in one region of the state, and only until the subsidy expires in 2029. A job creation or retention initiative financed statewide by consumers should have a positive impact throughout the state, not just in only one community.

Unfortunately, the Public Service Commission, which approved the \$7.6 billion ratepayer-funded bailout without any legislative involvement or approval, failed to evaluate alternative proposals for how most effectively to create jobs, help local taxpayers and promote clean energy. Further, in a matter of weeks, the price tag for this bailout soared from \$59 million to \$7.6 billion – a staggering sum, and far more than the state is investing in renewable energy.

In July of 2017, Amory Lovins, who served as a consultant to the state in its REV process, released an analysis which debunks the notion that highly unprofitable, economically distressed nuclear plants should be further subsidized to meet financial, security, reliability, and climate goals. The analysis showed that closing costly-to-run nuclear plants and reinvesting their saved operating

costs in energy efficiency provides cheaper electricity, increases grid reliability and security, reduces more carbon, and preserves (not distorts) market integrity—all without subsidies.<sup>19</sup>

### **Divest the NYS Teacher’s Retirement System for Fossil Fuels**

The Teachers’ Fossil Fuel Divestment Act (A1011/S898) requires the NYS Teachers Retirement System (NYSTRS), after due consideration of fiduciary responsibility, to divest from its holdings in major coal, oil, and gas producers.

NYSTRS is the second-largest public retirement system in NY and one of the ten largest in the nation. With \$120 billion in assets, the fund has an estimated \$4.5 billion in fossil fuel investments including over \$425 million in coal. Membership in NYSTRS includes teachers, teaching assistants, guidance counselors, and administrators employed in NYS public schools (excluding NYC). BOCES, charter schools, and some community college teachers are also members.

New York must take the lead in fighting global warming, and divestment is a winning strategy. Already, over 1,300 institutions throughout the world with portfolios totaling more than \$14 trillion have pledged to divest from the fossil fuel industry. These include the New York State Common Retirement Fund, the NYC pension funds including all city teachers, Ireland, the World Council of Churches, Cornell and Syracuse Universities, Ithaca, and the town of Cooperstown.

Pouring money into the dying fossil fuel industry is fiscally irresponsible. Energy stocks have been the worst performing sector of the economy for over ten years. The NYS Common Retirement Fund would have had more than \$20 billion in extra value if it had divested when we first called for it to do so.

Finally, it is morally inexcusable to invest in the continued destruction of our environment and damage to our economy caused by climate change. Superstorm Sandy alone caused over a hundred deaths, disrupted the lives of thousands of New Yorkers and cost billions of dollars. It is simply wrong to support the industry that is causing this destruction.

Divestment campaigns have been successful in the past. Divestment helped end apartheid in South Africa in the mid-1980s. Divestment appropriately stigmatizes the fossil fuel industry for its culpability in the climate crisis.

GELF is disappointed that State Comptroller Tom DiNapoli appears to be backing away from his stated intention to divest the state pension fund from fossil fuels in exchange from state lawmakers agreeing not to pass legislation that was sponsored by nearly a majority in both houses. We would recommend that divestment language be included in the state budget, as the lower rate of return due to noninvestment will increase the financial burden on local and state taxpayers.

### **Increase Funding for Mass Transit**

GELF supports a transportation policy that emphasizes the use of mass transit and alternatives to the automobile and truck for transport. We call for major public investment in mass transportation, so that such systems are cheap or free to the public and are safe, accessible, and

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<sup>19</sup> <https://www.rmi.org/about/news-and-press/press-release-subsidizing-unprofitable-nuclear-plants-not-solution-grid-reliability-security-carbon-emissions/>

easily understandable to first-time users. We need ecologically sound forms of transportation that minimize pollution and maximize efficiency.

Meeting the requirements of the new climate law, CLCPA, will require a reduction in vehicle miles traveled: that is, people will have to get out of their cars and onto public transport, bicycles (or other micro-mobility devices) or their own two feet.<sup>20</sup>

Massive subsidies to the auto and fossil fuel industries, as well as an unworkable approach by urban planners, maintain the auto's dominance of our cityscapes. The present-day approach of upgrading streets to accommodate increased traffic generates new traffic because access is now easier, and people will now take jobs further from their homes or purchase homes further from their jobs. Some people shift from public transit to private cars due to the trip time in cars being shorter. As patronage for public transit decreases, public transit loses funding, becomes less viable, and service deteriorates thus encouraging even more people to use their cars.

Mass transit needs a lot of money. One committee convened by the Governor and State Lawmakers put the capital costs just for the MTA at \$60 billion.<sup>21</sup> There is also a need to improve and strengthen bus service in the city – and statewide.<sup>22</sup>

The transportation sector emissions showed by far the greatest growth in New York State, with emissions increasing by nearly 20% from 1990 to 2015. This is due to an increase in the consumption of gasoline and diesel fuels associated with an increase in vehicle miles traveled in New York State.<sup>23</sup>

Interstate and Intrastate Rail systems would help decarbonize long-distance travel, including reducing the use of airplanes. We need to expand mass transit, including light rail and buses, including upstate.

**Rebuild MTA Infrastructure:** The Metropolitan Transit Authority (MTA) needs to invest at least \$100 billion over the next decade in order to repair and upgrade tracks, stations, signals, and cars and expand transit services to underserved areas in Queens, Brooklyn, the Bronx, and Staten Island.

**Free or Reduced Fares** to encourage the use of mass transit.

**Electrify Transportation:** Build an electrified rail and road transportation system across the state that includes recharging stations for electric vehicles, convenient and affordable intra-urban mass transit, inter-urban rail for intermediate distances, and high-speed rail for long distances.

**Fund Public Transportation** in New York City and throughout the state with:

- Congestion Pricing
- For-Hire Vehicle Trip Surcharges on taxis, Lyft, Uber, etc.
- New York City Land Value Tax: Recapture for the city treasury the unearned increase in land values and rents due to social investments in transportation, infrastructure, housing, and business development.

<sup>20</sup> <https://nyc.streetsblog.org/2019/06/25/to-meet-new-yorks-new-climate-law-well-have-to-break-the-car-culture/>

<sup>21</sup> <https://www.citylab.com/transportation/2019/01/fix-new-york-city-subway-mta-funding-congestion-pricing/579262/>

<sup>22</sup> <https://www.timesunion.com/news/article/NYC-s-issues-overshadow-upstate-NY-transit-needs-12532394.php>

<sup>23</sup> <https://www.nyserda.ny.gov/About/Publications/EA-Reports-and-Studies/Energy-Statistics> - page S8

- Tax the Rich: More progressive income taxation
- Stock Transfer Tax: Stop rebating 100% of revenues to stock traders.
- Public Bank: Low-cost loans from a state-owned public bank

### Pass Green Transit, Green Jobs

The Green Transit, Green Jobs bill (A3090-A and S3535-C) will achieve a zero-emissions transit bus fleet by phasing out purchases of new fossil fuel transit buses starting in 2029. The bill prioritizes a just transition for workers, providing protection to existing transit employees subject to a collective bargaining agreement while spurring the creation of high-quality, green jobs. It is necessary to spur a faster transition to zero-emissions buses, which will improve air quality, especially in disadvantaged communities, and create good, family-sustaining jobs. Passing Green Transit, Green Jobs this session will implement the Climate Final Scoping Plan's recommendation to "transition to zero-emission public transportation fleets"<sup>24</sup> and drive investment in a vehicle segment that is primed for electrification now – and one that has a substantial local supply chain.

Earth Justice recently drafted a letter that many groups signed. Key portions are included here.

Green Transit, Green Jobs would slash harmful emissions from the transportation sector, the second biggest source of greenhouse gas (GHG) emissions in the state, while spurring the creation of high-quality green jobs, which is why it is a core strategy identified in the state's final Climate Scoping Plan. Yet currently, almost all transit/paratransit buses in the state run on diesel or other fossil fuels, adding hundreds of thousands of tons of GHGs into the atmosphere, exacerbating the climate crisis.

A recent analysis found that emissions from buses have the most severe public health impact on a ton-for-ton basis out of all vehicle sectors. Emissions from transit and paratransit buses cause or worsen respiratory and cardiovascular illnesses, leading to hundreds of premature deaths in New York State. The current fleet of buses spews toxic exhaust into local communities and lungs across the nearly 200 million miles they traverse each year, causing local air pollution along their routes and near depots. Health-harming air pollutants like PM<sub>2.5</sub>, NO<sub>x</sub>, and benzene also compound existing air quality burdens, contributing to public health disparities in low-income communities and communities of color.

Because they have predictable daily routes and return to a central depot, transit and paratransit buses can be easily and reliably charged in a way that saves agencies money. Frequent stops, fixed routes, and low-speed operation also make them ideal for electrification.

While we are still in the early days of the shift to electric buses, Green Transit, Green Jobs includes numerous provisions to support transit agencies in ensuring a smooth transition. A recent National Renewable Energy Laboratory analysis found that for a typical transit agency, a modest procurement of zero-emission buses (ZEBs) would yield substantial cost savings over the lifetime of the buses, paying back the upfront cost differential within a few years. Additionally, thanks to a significant infusion of federal funds on top of existing state funding support, authorities can overcome purchase price premiums right away, so there would be no delay in accruing cost savings. In all, 8 New York transit agencies have already received federal funding to electrify a total of 300 buses, with more likely to come in the coming years.

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<sup>24</sup> FSP at 163.

Based on information provided by Niagara Frontier Transportation Authority, each electric bus that replaces a diesel bus can save an agency roughly \$20,000 in fuel costs. By 2030, purchase prices for electric buses are expected to be the same as or even less than for fossil fuel buses.<sup>7</sup>

The bill also includes several labor components that will ensure the state's investment in zero-emission technology will create good, family-sustaining jobs. This legislation will also provide a just transition for workers in the traditional bus system through identifying the necessary resources to retrain existing workers and the development of a plan to train or retrain impacted workers" and gives local communities a say in the process.

### **Expand New York's Bottle Deposit Law**

Over its nearly 40-year history, New York's Bottle Bill has proven to be a highly effective program to reduce litter and increase recycling rates. In 2020, New York's redemption rate was at 64%.<sup>25</sup> The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state.<sup>26</sup>

#### Key Asks

1. Expand the Bottle Bill to include wine, spirits, hard cider, and most non-carbonated beverages. A deposit system can dramatically reduce litter and solid waste that would otherwise be discarded. Many other states have already added these containers to their laws. For example, Maine's law covers all beverages except dairy products and unprocessed cider.<sup>27</sup> New York can expand its coverage too.
2. Increase the deposit from 5-cents to 10-cents and use revenues to support recycling equity. States with higher deposit fees have higher redemption rates than states with a five-cent fee. In Michigan, the deposit fee is ten cents, and the redemption rate in 2019 was 89%.<sup>28</sup> Vermont has a fifteen-cent fee on liquor bottles and the redemption rate for liquor containers in 2020 was 83%.<sup>29</sup> Increasing the deposit could also generate more revenues for the state, with those additional revenues used to address limits on redemption options in low-income communities and other litter and solid waste problems in such communities. The impact of the nickel deposit that was approved in 1982 has eroded over time. A mere inflation update would likely make that deposit nearly *fifteen* cents.<sup>30</sup> It's past time for New York to raise its deposit to a dime.
3. Boost accessibility. Enforcement of the law is spotty. Use additional revenues to boost enforcement and to expand redemption centers into "food deserts" that limit consumers' ability to redeem their deposits.

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<sup>25</sup> Container Recycling Institute, Bottle Bills in the USA: New York,

<https://www.bottlebill.org/index.php/current-and-proposed-laws/usa/new-york>

<sup>26</sup> New York State Department of Environmental Conservation, "New York's Bottle Bill,"

<http://www.dec.ny.gov/chemical/8500.html>, Accessed October 2021.

<sup>27</sup> Container Recycling Institute, "Redemption Rates and Other Features of 10 U.S. State Deposit Programs," 2021. [https://www.bottlebill.org/images/PDF/BottleBill10states\\_Summary41321.pdf](https://www.bottlebill.org/images/PDF/BottleBill10states_Summary41321.pdf)

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> U.S. Bureau of Labor Statistics, CPI Inflation Calculator, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm).



Bottle Bills are an incredibly effective incentive to recycle products. According to the Container Recycling Institute, states with bottle deposit laws have a beverage container recycling rate of around 60%, while non-deposit states only reach about 24%.<sup>31</sup> States that have a bottle deposit are 46% more likely to recycle PET plastic bottles than states that do not.<sup>32</sup>

In 2020, New York's redemption rate was at 64%.<sup>33</sup> The Bottle Bill reduces roadside container litter by 70%, and in 2020, 5.5 billion containers were recycled in the state.<sup>34</sup>

Further, glass that is harvested through curbside recycling often breaks and is a hazard to handle. For this reason, glass that is recycled through the Bottle Bill's circular economy is much more likely to be recycled. Glass recovered from a bottle redemption center is more than twice as likely to be recycled than glass recovered from curbside recycling.

We include here some of the language from Beyond Plastics in support of passing a strong Bottle Bill expansion that includes:

- Environmental standards that, at a minimum, require 25% of beverage containers to be refillable within a refill system by 2030 to reduce plastic pollution
- Clearly excludes “chemical recycling” from any definition of recycling

Including the Bottle Bill in the state budget would help increase revenues and reduce solid waste expenditures for governments. Raising the deposit and expanding the types of covered containers would generate up to \$200 million in revenue. It would save local governments at least \$70 million by diverting containers from the waste stream. It would provide a pay raise to more than 10,000 informal recyclers who rely on the redemption system to provide for themselves and their families.

Senate bill 237 (Senator May) and Assembly bill 6353 (Assemblymember Glick) would accomplish these important goals.

Coca-Cola has pledged to transition 25% of its bottles to refillable by 2030, and other large beverage manufacturers have made similar pledges in recent years. The legislature should codify refill in the Bottle Bill. Transitioning from single-use systems to refill and reuse systems is supported by the Climate Action Council's Climate Law Scoping Plan.

Including refill in the expansion of the Bottle Bill is an incredible opportunity to greatly reduce climate emissions and pollutants. Between 21 and 34 billion one-liter PET bottles (706,000 to 1.1 million metric tons) enter the ocean each year, with beverage companies holding no liability for the pollution. Billions more are landfilled, incinerated, or downcycled. While recycling efforts are

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<sup>31</sup> Container Recycling Institute, Bottle Bills, <https://www.container-recycling.org/index.php/issues/bottle-bills>.

<sup>32</sup> Container Recycling Institute, “Container Deposits: The Rockstars of Recycling,” <https://legislature.vermont.gov/Documents/2022/WorkGroups/House%20Natural/Bills/H.175/Witness%20Documents/H.175~Susan%20Collins~Container%20Deposit%20Handout~2-24-2021.pdf>.

<sup>33</sup> Container Recycling Institute, Bottle Bills in the USA: New York, <https://www.bottlebill.org/index.php/current-and-proposed-laws/usa/new-york>.

<sup>34</sup> New York State Department of Environmental Conservation, “New York's Bottle Bill,” <http://www.dec.ny.gov/chemical/8500.html>, Accessed October 2021.

important, reducing the production of beverage bottles from raw materials by switching to refillable models must be a priority for deposit systems.

### **Farmer Tax Credit for Regenerative Agriculture**

We are disappointed that funding has decreased for climate resilient farming and urge the governor and the legislature to include additional support for helping farmers transition into climate-friendly practices and products.

We support the legislation developed by Assemblymember Barrett to create a financial incentive to farmers for land management practices that help improve soil health and reduce greenhouse gas emissions, making New York a leader in promoting new agricultural strategies that combat climate change. The state legislature did include \$50,000 in the state budget to study the issue. California has devoted significantly more resources to support various pilot programs and studies. The IPCC recent report highlighted the importance of regenerative agriculture and other steps to reduce the carbon footprint of our food system.

Climate-smart land management practices improve soil resilience and increase productivity for our state's farmers while simultaneously addressing the state's climate change goals. The aim of a statewide carbon farming initiative is twofold: as a land stewardship program, it would improve soil health and productivity by holding nutrients in place; as a climate-smart initiative it would mitigate carbon's release into the atmosphere as carbon dioxide (CO<sub>2</sub>). Carbon dioxide contributes to climate change as a greenhouse gas by trapping heat in the atmosphere.

A tax credit for farmers who practice land management strategies which store, or sequester, carbon in the soil is a new model for combatting climate change.

By using no-till systems, planting cover crops, trees, and perennial forages, and managing compost application, farmers can see improvements in water holding capacity, nutrient storage, and reduced erosion. All of these farming practices have the collateral benefit of sequestering carbon in the soil, thereby reducing its release into the atmosphere as CO<sub>2</sub>. The carbon farming program outlined would incentivize farmers who are currently using these strategies to continue them and would encourage others to undertake the prescribed soil health methods now widely accepted as beneficial not only to productivity but for the reduction in greenhouse gases.

In general, more attention needs to be paid to greenhouse gas emissions from agriculture. According to the EPA, Greenhouse gas emissions from agriculture come from livestock such as cows, agricultural soils, and rice production account for about 9% of the country's carbon footprint. Changing weather patterns will also pose significant challenges in growing food crops, including changes in growing seasons, rainfall patterns, and spread of insects.

### **Packaging Reduction and Recycling Infrastructure Act, S4246-a/ A5322-a**

The production, use, and disposal of plastic is one of the greatest environmental and health threats of our time. Lawmakers have an opportunity to take bold action to help solve this problem. Plastic pollutes our air, water, soil, and bodies, threatens fish and wildlife and ecosystems, increases illness, widens inequality, and hastens the climate crisis. A report issued by the National Academies of Sciences, Engineering, and Medicine on December 1, 2021, concluded that "Without modifications to current practices in the United States and worldwide, plastics will continue to accumulate in the environment, particularly the ocean, with adverse consequences for ecosystems and society." This is a clarion call for legislative action.

GELF supports the comments made by Beyond Plastics on this issue.

The Packaging Reduction and Recycling Infrastructure Act, S4246-a (Senator Harckham) and A5322-a (Assemblymember Glick) should be adopted as a standalone bill as soon as possible. The bill will:

- Reduce plastic packaging by 50%, incrementally over the next twelve years;
- Save hundreds of millions of tax dollars by requiring companies to pay for the management and recycling of packaging waste, rather than taxpayers.
- Provide new revenue to local governments,
- Save tax dollars by reducing the amount of waste being trucked to landfills and incinerators, which are often located in environmental justice communities.
- Prohibit certain toxic chemicals in packaging including: PFAS, lead, mercury, formaldehyde, bisphenols, toluene, and others;
- Improve recycling;
- Reduce greenhouse gas emissions; and
- Not allow chemical “recycling”—a false solution advanced by the plastics industry that creates more pollution—to count as recycling.

A strong packaging reduction bill is an important component of the Climate Action Council’s Scoping Plan. Page 326 details calls on the state to “[p]hase out single use packaging”, stating that: “[t]he State should enact legislation that supports the reduction and eventual elimination of single-use packaged items for use in stores.”

The Scoping Plan also supports reuse and refill models: with regards to “Reusable/Refillable containers: The State should enact legislation that incentivize reusable and refillable solutions across the full spectrum of the packaged goods sectors, such as refill at home, return from home, refill on the go, and return on the go.” (p. 326)

The chemical and plastics industries are advocating for so-called chemical recycling to be considered real recycling. This would be a mistake. Chemical recycling should not be included in the definition of recycling.