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On the ground – and at the table

**New York City Environmental Justice Alliance testimony to the New York State Assembly Environmental Conservation Committee in support of the New York State Climate and Community Protection Act (S.2992/A.3876)**

May 17<sup>th</sup>, 2019

Good morning Assemblyman Englebright and Members of the New York State Senate Environmental Conservation Committee. My name is Priya Mulgaonkar and I am here to testify on behalf of the New York City Environmental Justice Alliance (NYC-EJA) in support of the New York State Climate and Community Protection Act (S.2992/A.3876).

Founded in 1991, NYC-EJA is a nonprofit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. Through our efforts, member organizations coalesce around issues that threaten the ability of low-income communities of color to thrive, and coordinate campaigns designed to restructure City and State policies to move us toward a just future. Our alliance is a key advocate of strong and equitable renewable energy targets as well as emissions reductions efforts, because many of the communities we represent are overburdened by the clustering of power plants and other polluting infrastructure in their neighborhoods.

In October 2018, the Intergovernmental Panel on Climate Change (IPCC) issued its latest report, cautioning that the world may have as little as 12 years to transform the global economic system to limit global warming to 1.5 degrees Celsius. This will require rapid system transitions in energy, urban infrastructure, and industrial systems – and an unwavering commitment from New York State government.

While New York State has made commitments to reduce carbon emissions and increase investments in climate resiliency, progress so far has been slow to reach low-income communities and communities of color. These communities also face many obstacles to participating in the clean energy economy and current programs are ultimately failing at systematically addressing the root causes of energy insecurity and energy poverty. The massive systems change required to stave off dangerous climate change impacts requires a consideration of the unique vulnerabilities facing environmental justice communities.

Climate justice is based on the principle that frontline communities are most vulnerable to climate change and, therefore, must play an integral role in planning for the renewable and regenerative energy economy. These are communities where climate vulnerabilities intersect with historic patterns of environmental burdens. As climate change advances, leadership from the frontlines of the crisis becomes increasingly important to shape policies and to ensure the radical transformation of our energy and economic systems does not leave historically marginalized people behind.

The Climate and Community Protection Act (CCPA) includes several key provisions to support a Just Transition to a clean and renewable energy economy. These provisions were developed in consultation with the NY Renews coalition, which includes groups that represent communities around the state from Brooklyn to the Bronx to Buffalo, with input from national experts and broader New York stakeholders. The CCPA makes our state climate and energy commitments legally binding across all sectors including energy, buildings, and transportation, and sets us on a path to 100% clean renewable energy by 2050.

### **Commitment to the 40% Mandate for Frontline Communities**

A vital pillar of the CCPA is that it creates a process to ensure that at least 40% of state energy and climate funds are allocated towards vulnerable, impacted, historically disadvantaged, and frontline communities. Disproportionate climate risks and energy burden can be ameliorated through equitable energy policies and targeted strategic investments. Solutions like community-owned solar and energy efficiency - along with workforce development and public health benefits - will be maximized by the passage of the CCPA. To ensure we meet these targets, the CCPA also requires all state agencies to evaluate the climate and equity impacts of their decisions and ensure that they are fulfilling these dual mandates. The CCPA also mandates that greenhouse gas emission reduction requirements also address co-pollutants, including criteria pollutants and fine particulate matter, in disadvantaged communities.

### **Commitment to 100% Emissions Reductions Approach**

Another aspect that makes the CCPA the most ambitious climate legislation in the nation is that it sets New York on a path to a 100 percent reduction of anthropogenic greenhouse gas emissions by 2050. This is distinct from the “carbon-neutral” approach - a false solution being proposed that would undermine Climate Justice in New York State.

I want to take this opportunity to express our strong concerns about the efficacy and equity of the mechanisms that have been proposed to achieve “carbon neutrality”, including cap-and-trade,

offsets, and other carbon trading mechanisms in both lowering total emissions and protecting environmental justice communities from carrying the burden of fossil fuels. From an environmental and climate justice perspective, carbon neutrality is problematic for several reasons:

- A carbon-neutral economy may create loopholes that set back NY's efforts to address climate change, including carbon offsets that may actually result in a net increase in air pollution.
- Relying on carbon offsets to achieve our emissions reductions can perpetuate the disproportionate pollution impacts on communities of color in New York State. A polluter could invest in reforestation hundreds of miles, or even continents away, to "offset" the carbon they release into the atmosphere, while doing nothing to alleviate the root cause of asthma attacks, lung disease, and other harms facing New York's environmental justice communities. We cannot allow polluters to privatize nature and plant trees in Brazil so they can continue to poison the air in the Bronx.
- Burning fossil fuels does not just emit carbon. It also emits co-pollutants, toxins that don't directly cause global warming but that do cause asthma, smog, respiratory and cardiac illness. Carbon offsets are for carbon only, and don't address the co-pollutants poisoning NY communities.
- Committing to carbon neutrality rather than 100% emissions reductions could allow New York State to procrastinate on its emissions reductions goals. Carbon offsets could allow polluters to continue consuming fossil fuels at untenable rates while benefiting from loopholes in a carbon offset market that would lead to a net increase in greenhouse gas pollution. Regardless of the number of trees we plant, we cannot continue to burn fossil fuels at our current rate without dire consequences for the planet – and for environmental justice communities at the frontlines of fossil fuel infrastructure. We believe in nature-based solutions and investing in natural carbon sinks, but it should not come at the expense of continuing emissions in EJ communities. We need NYS climate policy to truly move us to a Just Transition, meaning that our reliance on the extractive economy is completely rolled back.
- We already see the pitfalls of offsets playing out in California's carbon trading system. A recent study shows that the program leans heavily on carbon offset credits, and as a result the state may have overstated their emissions reductions by 80 million tons of carbon dioxide — a third of the total cuts that the state's cap-and-trade program was expected to achieve in the next decade. The findings are troubling given that California's

cap-and-trade program is a critical aspect of the state's efforts to roll back greenhouse-gas emissions.

Scientists agree that eliminating greenhouse gas emissions by 2050 is technologically feasible. For activities where we do not yet have the solutions to achieve zero emissions, the Climate and Community Protection Act provides needed flexibility to address those activities over the next 30 years with new technological developments. For example, the bill requires implementation reporting every 4 years that includes assessment of regulations and whether modifications are needed, as well as recommendations for future regulatory and policy action. The CCPA also encourages natural sequestration strategies to help reduce emissions even further without authorizing an offset market associated with those activities that enables continuing pollution.

The bottom line is this: we've seen the devastation that worsening Superstorms have brought to Houston, Florida, Puerto Rico, and here in New York City – and we cannot wait any longer to act. Our health, our economy, and our communities are at risk, and we need to enact the boldest approach to addressing the climate crisis as soon as possible.

We commend the State Senate for elevating and prioritizing the Climate and Community Protection Act (**S.2992/A.3876**). New York State must support clean, renewable energy that protects the health of our families and creates new jobs. We need to put the health of our communities – and our State – ahead of polluters' profits and our outdated and dangerous dependency on fossil fuels.