



**MEMORANDUM OF OPPOSITION
A.862-B (Woerner)/ S.2962-B (Parker)**

March 25, 2022

A.862-B (Woerner)/ S.2962-B (Parker): Establishes the clean fuel standard of 2021; such standard is intended to reduce carbon intensity from the on-road transportation sector by 20% by 2030, with further reductions to be implemented based upon advances in technology.

Founded in 1991, the New York City Environmental Justice Alliance is a non-profit, citywide membership network linking grassroots organizations from low-income communities of color in their struggle for environmental justice. NYC-EJA empowers its member organizations to advocate for improved environmental conditions and against inequitable environmental burdens and climate risks through the coordination of campaigns designed to inform City and State policies. Through our efforts, member organizations coalesce around specific common issues that threaten the ability for low-income communities of color to thrive.

The New York City Environmental Justice Alliance voices strong opposition to A.862-B (Woerner)/ S.2962-B (Parker) because establishing a fuel standard for transportation is not the right path forward for New York to be able to meet the emission reduction goals and the equity mandates of the Climate Leadership and Community Protection Act (CLCPA). The fuel standard proposed is a market based mechanism aimed to lower the carbon intensity of transportation fuels and allows for the creation of an offset program for fuel producers that do not meet the carbon intensity threshold. While reducing emissions from the transportation sector is a necessary component of reducing statewide emissions, offsets and market based policies to reduce emissions do not provide emissions reductions or investments in disadvantaged communities within the timeframes and at the scale required by the CLCPA.

The CLCPA sets very narrow parameters for the use of offsets including that offsets cannot make up more than 15% of the emissions reductions and any offsets that are approved must occur near the source of pollution, meaning that fuel providers cannot buy offsets upstate and continue to emit pollution downstate. The limitations to offsets outlined in the CLCPA also prohibits the use of biofuels for transportation as an offset, which this legislation would encourage. These offset schemes have historically resulted in continued pollution in disadvantaged communities while whiter and wealthier areas see relief from air pollution.

Another concern that a fuel standard raises is the lack of focus on reducing greenhouse gas emissions other than carbon such as methane, and co-pollutants. This policy focuses only on the carbon intensity of a fuel rather than taking into account the overall greenhouse gas emissions and resulting co-pollution. The CLCPA requires a reduction of all greenhouse gases and co-pollution. By proposing the use of fuels for transportation rather than electrification, this policy would continue to incentivize the combustion of

fuels other than fossil gas, which still contribute to climate change and result in severe health impacts particularly in disadvantaged communities where pollution is concentrated.

Due to the disproportionate levels of pollution experienced by disadvantaged communities, the CLCPA established a clear mandate that no less than 35% of the benefits or direct investments from clean energy funds be received by disadvantaged communities. This bill completely ignores the required investment in disadvantaged communities. By allowing the proceeds from this market based strategy to be collected by the fuel providers rather than by the State of New York, these funds will not directly contribute to clean energy funds controlled by the state. This policy would rely on fuel providers to invest in renewable energy infrastructure, and there is no specific requirement to invest in and benefit disadvantaged communities. Without appropriate investments in disadvantaged communities the most vulnerable New Yorkers will continue to experience a high pollution burden and will lack the resources to fully transition to renewable energy.

Policies that support or prop up combustion, point New York in the wrong direction and continue to harm residents that already suffer from poor air quality. Relying on the use of greenhouse gas based fuels for transportation allows consumers to continue to use internal combustion engines rather than looking to electric vehicles for transportation. If New York intends to achieve a 40% reduction in greenhouse gases by 2030 and 85% of by 2050, then consumers and businesses need to receive clear signals that electrification is the future of the State.

For the reasons stated above, NYC-EJA strongly opposes A.862-B (Woerner)/ S.2962-B (Parker).