



New York City Environmental Justice Alliance Testimony on LL97 to NYC Council Committee on Environmental Protection and Committee on Housing and Buildings

April 13, 2022

Good morning Chairperson Sanchez, Chairperson Gennaro and members of the Council. My name is Shравanthi Kanekal and I am the Resiliency Planner for the New York City Environmental Justice Alliance. Founded in 1991, NYC-EJA is a non-profit citywide membership network linking 11 grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice. I am here today to testify in support of the complete and equitable implementation of Local Law 97 (LL97).

The passage of LL97 was a momentous step forward in aiming to reduce GHG emissions from the City's largest emitting source - [buildings](#). With less than 2 years left until thousands of building owners need to meet the first compliance standards, NYC-EJA urges the city to focus its efforts on equitably and aggressively implementing the law.

In the wake of the COVID-19 pandemic and the following unemployment crisis and ongoing climate crisis, the successful implementation of LL97 provides an incredible opportunity to create about 40,000 good green jobs, move us towards our climate goals, and directly invest in reducing harmful localized pollution levels in environmental justice communities.

There is an urgent need for additional funding in the upcoming fiscal year budget for increased staffing at DOB's Office of Building Energy and Emissions Performance (OBEEP). Successful implementation of LL97 depends in large part on adequate funding for a larger, dedicated team at OBEEP. We remain extremely concerned that the office's current staff positions and funding are not consistent with the upcoming responsibilities - including conducting technical analyses, completing the rulemaking process, driving outreach and education to building owners and eventually managing compliance and enforcement. We are glad to see the Council's response to the budget include additional funding for OBEEP, but that is not sufficient. Experts estimate that there needs to be 10-15 additional positions added to OBEEP at the earliest, and this figure will need to increase as the responsibilities of the office add on leading up to 2024 and beyond. We estimate that 15 additional positions would mean \$1,125,000 in DOB's budget for OBEEP.

OBEEP needs to expand outreach across all sectors to ensure building owners are aware of the law, their compliance obligations, as well as the resources available to them such as NYC Accelerator and other funding opportunities. On this front, there needs to be transparency on the

workings and progress of NYC Accelerator (i.e., how many building owners have been assisted, how many are underway, etc.).

Environmental justice communities have long held a deep skepticism of market-based false solutions such as carbon trading to address the climate crisis. We reject neoliberal approaches to addressing the deeply rooted injustices that disproportionately harm low-income communities and communities of color. Existing trading schemes have yielded documented increases in pollution for environmental justice communities.¹ We are concerned that any emissions trading scheme will allow large, polluting buildings to avoid making deep energy efficiency improvements by engaging in a complex trading system that will be difficult to enforce, leaving environmental justice communities vulnerable to continued localized pollution and further contributing to GHG emissions that fuel the climate crisis. To that end, we welcome the City's decision not to pursue a building emissions trading scheme.

Additionally, we are concerned that the allowance for building owners to use an unlimited number of Renewable Energy Credits (RECs) as a means for compliance, may allow for continued localized emissions while purchasing in renewable energy that may be sited outside of city limits, for example from the Champlain Hudson Power Express project.

There must also be sufficient renewable distributed energy generated within New York City for buildings to reduce their carbon emissions to meet LL97's mandates. To this end, City and State agencies must work in concert to rapidly scale up in-city renewable energy generation and storage infrastructure and to ensure that these investments specifically benefit the communities most burdened by high energy costs, poor air quality, and heightened risks from climate crises under our current, fossil fuel-intensive energy system.

Energy efficiency will play a bigger, life-saving role in environmental justice communities across the city. Decarbonizing buildings will be critical to reducing local pollution from fossil fuel power plants and fossil gas infrastructure disproportionately located in environmental justice communities. It can also lead to immediate health benefits like improving indoor-air quality in environmental justice communities.

Scientists tell us that we have less than a decade to address the climate crisis. We must move forward with the implementation of LL97 in a fair, equitable way to advance New York City's climate and economic recovery goals to curb emissions, create environmental justice equity, and create good green jobs.

Thank you for your time and the opportunity to testify today.

¹ Serrano, Kim. 2017. "Greenhouse Gas Reduction Fund Investments in and around Orange County Observations on Place, Purse, and Politics." *UCI Community Resilience*.
<https://communityresilience.uci.edu/wp-content/uploads/2018/02/UCI-OC-GGRF-Report-FINAL-1.pdf>