



Testimony 101: New York's 2022 Climate Action Council Public Hearings

[*Documento en Español Aquí*](#)

Introduction

Throughout April and May, New York's Climate Action Council will hold [10 public hearings across New York](#) to gather input from the public on the Draft Scoping Plan—the state's blueprint for our climate future. These public hearings will affect the Final Scoping Plan, which will ultimately guide the implementation of the nation-leading climate goals set forth under the Climate Leadership and Community Protection Act (CLCPA).

Right now, fossil fuel interests and corporations are actively trying to advance false solutions and weaken the proposed scoping plan, so we need as many people as possible to testify in favor of climate and environmental justice. In short, we need you!

Between now and May, [you'll have the opportunity to join a public hearing near you or a virtual hearing on Zoom](#). **If you're planning to testify, you must register here.** The goal of this document is to prepare you to give a public testimony at one of the state hearings—even if you don't love public speaking! NY Renews and its coalition partners will be there at every hearing to support and stand beside you.

Instructions for Writing Your Testimony

Your public testimony will be a maximum of two minutes long, which means that you'll have to pack a lot of important information into a short window of time. **We recommend crafting your testimony using two of the four modules listed below.** Each module should take you about one minute to read aloud. Below you'll find instructions for crafting each minute-long section of your testimony! **Please note that you can keep it personal and you don't need to dive into any of the sectors or the policy (Module 4).** What matters is that you're speaking from your own experience and that you have a stake in this as a New Yorkers.

The following "Crafting Your Testimony" guide is a resource for anyone who could use some support in the testimony process.

Modules: Choose 2 out of 4

[Module 1:](#) Your Personal Narrative

[Module 2:](#) NY Renews' Key Talking Points

[Module 3](#): No False Solutions

[Module 4](#): Sector-by-Sector Talking Points

MODULE 1: Your Personal Narrative

Instructions: If you're planning to use two other modules in your testimony, you'll have about one minute to spend on your personal narrative section.

Thank you for being here! Sharing personal testimonies can activate a range of emotions and it is useful to pull our own personal “why” to the front. Why are you here today? We all share at least two reasons: (1) power concedes nothing without organized, collective demands, and (2) our truly historic work passing the CLCPA, the most progressive climate legislation in the country, is incomplete until we ensure it matches the scale and urgency of the moment and benefits who it was intended to benefit.

The most important thing to remember: Your testimony is yours. The following are sample testimonies with suggested templates, but you have no obligation to use them. Testimonies are about speaking your own truth.

- [Sample testimonies here](#)

Module 2: NY Renews' Key Talking Points

Instructions: These five points are critical. We encourage everyone to include them in their testimony! Keep this section to 1 minute.

1. Environmental Justice, Public Health, and a Just Transition Must Come First

Environmental justice must come first! This means prioritizing the health and welfare of low-income communities and communities of color at the frontlines of the climate crisis. When it comes to creating the inclusive green economy of New York's future, the plan must include strong public health guidelines and labor standards including prevailing wage, benefits, and local hire; funding for workforce development; and more.

2. No False Solutions

New York's Final Scoping Plan must not contain false solutions to the climate crisis like biofuels, "renewable" natural gas, biomass, waste incineration, and so-called "green" hydrogen. It must focus on renewable zero-emission technologies that have been proven to work, like solar and wind technologies.

3. Fund the CLCPA

New York must establish a dedicated funding mechanism—by legislation if necessary—to ensure reductions of both greenhouse gas and co-pollutant emissions and to begin the state's large-scale transition to an equitable renewable energy economy. An equitable economy-wide pollution fee is likely the best approach to generate the necessary funds in a just manner.

4. New York Needs "Scenario Three" for Clean Air and a Healthy Environment

The Climate Action Council put forth three scenarios for our climate future. Of the three, NY Renews is advocating for scenario three: low-to-no bioenergy and hydrogen combustion and the simultaneous acceleration of electrification of both buildings and transportation to ensure clean air and a healthy environment. In order to reach a zero-emissions power sector by 2040, New York needs a rapid, large-scale transition away from fossil fuels.

5. The CLCPA Is Law—Treat It Like One

The Scoping Plan must ensure that the mandates put forth by the Climate Action Council are legally enforceable against industries and include timelines for the reduction of emissions by sector. Provisions for environmental justice and emission reduction mean nothing if they cannot be enforced or if there aren't rules in place for what happens when our climate justice laws are broken.

MODULE 3: No False Solutions

Instructions: It's vital that the Final Scoping Plan reject false solutions to the climate crisis like biofuels, "renewable" natural gas, biomass, waste incineration, and "green" hydrogen. It must focus on renewable zero-emission technologies that have been proven to work, like solar and wind technologies. If you'd like to dive deeper into some of the false solutions identified by NY Renews, these talking points will guide you. Keep this section to about one minute.

Biofuels

- Biofuels are primarily liquid fuels used for transportation, derived from a variety of plant matter including grains, grasses, tree fiber, and vegetable oils. Biofuels, especially for transportation, have long been promoted as "carbon neutral" by industry. But the most common biofuels in use or development today are not carbon neutral if accounted for on a life-cycle basis including direct and indirect land-use changes, disruption of carbon recycling, processing and transport emissions, and end-use emissions. Biofuels of different types are net contributors to atmospheric emissions for between 52 and 167 years. In other words, it takes at least 5 decades before biofuel emissions are reabsorbed by regrowing plants and restoring land-uses! This puts biofuels on a collision course with current timeframes for mitigating the climate crisis.

"Renewable" Natural Gas

- Biomethane (termed "renewable natural gas,") is biogenic gas captured from the breakdown of waste materials in landfills and livestock operations, and processed into nearly pure methane for blending with fossil gas. Biomethane—methane captured from landfills and other waste streams or potentially gasified from waste materials or energy crops—is being proposed as a clean, "decarbonizing" substitute for burning fossil gas for electricity, heating, transportation, and industrial processes. This "renewable natural gas," like fossil gas, is nearly pure methane; if produced and distributed into the existing gas network, it will add to methane leakage and related serious warming effects, as well as local environmental health harms. The promotion of renewable gas is also arguably—indeed self-identified as—a strategic bid to buffer the fossil gas industry from policy and market changes that threaten its very existence. Further, such an effort raises serious concerns about the expansion of carbon-intensive land-uses to grow feedstocks necessary to "green" the fossil gas system, as existing feedstock capacity is only sufficient to replace between 6 and 13 percent of current gas demand (according to the industry's own analysis).

Biomass

- Biomass is the raw feedstocks of biofuels, primarily woody matter, which are burned directly for energy instead of being processed into liquid fuels. Biomass

energy—particularly involving direct combustion of woody matter—is expanding, causing climate and environmental justice harms. Markets for woody biomass, primarily in Europe for the replacement of coal, are driving deforestation and local pollution in the Southern United States. Biomass energy is another false solution said to be carbon neutral. In fact, it is acutely disruptive of carbon neutrality, because carbon recycling from the atmosphere by regrowing trees takes decades even as wood-burning for energy is copiously adding emissions today. Further, side by side studies of biomass plants and gas plants, drawing on actual air permit data, find dramatically higher rates of local pollution from biomass.

Waste Incineration

- Waste incineration is the incineration of biogenic municipal waste (food, paper, cloth, wood) to reduce waste volume and recover energy for electricity and/or heat. Waste-to-Energy, which recovers energy for electricity and heating by burning municipal solid waste, is considered a renewable energy source in multiple states (not including New York State). Compared to burning coal, local pollutant emissions and GHG emissions from waste incineration are generally higher. From a GHG perspective, lifecycle analyses counting reduced landfill emissions as a net improvement of incinerator emissions show mixed results. But carbon-neutral analyses of waste incineration that ignore local pollution raise serious environmental justice concerns. For one or more pollutants, seven of New York State’s waste incineration facilities are counted among the 12 most polluting such facilities across the United States. New York’s waste incineration facilities perform significantly worse on cancer-causing hazardous air pollutants compared to other power plants in the state. In 2018, New York City shipped 12 million tons of its own municipal solid waste to landfills and incinerators in other places, often in or near low-income communities. Burning waste is an acutely unhealthy, racially inequitable, false solution to waste management problems that require much bolder solutions such as waste reduction and recycling.

“Green” Hydrogen

- The concept of green hydrogen is taking hold in clean energy discussions. But often, the potential climate benefits of hydrogen can be far outweighed by potential harms. Targeted, potentially beneficial uses for energy storage and hard-to-electrify niche sectors could be positive. Larger scale substitution of hydrogen for fossil fuels, especially for electricity, buildings, and light-duty vehicles, ring alarm bells. Blending or substituting hydrogen into the fossil gas network reinforces gas combustion and gas infrastructure as part of our economy, while also raising fuel costs and facing multiple technical challenges. Turning hydrogen into fuel is extremely resource-intensive. More than 95 percent of hydrogen in use today—mostly for industrial heat processes—is produced using fossil fuels, with the perverse emissions effects of using dirty energy to produce clean energy. At the same time, the prospect of “green” hydrogen—produced by electrolysis of water using renewable electricity—raises a host of other concerns.

Diversion of renewable electricity to produce energy instead of power cars and buildings could have perverse effects of grid destabilization and slowing economy-wide decarbonization. Producing hydrogen is also water-intensive, and severe water stress, already a significant issue in some parts of the country, is another potential harm. Producing 1kg of hydrogen via electrolysis uses 18.04 kg of water, in addition to the water lost in the distillation process, which nearly doubles that amount. Combustion of hydrogen for electricity, heating, and industrial processes also raises serious environmental justice concerns, threatening significant emissions of ozone-forming nitrogen oxides that contribute to respiratory distress.

Carbon Capture and Sequestration

- We oppose the proliferation of carbon capture and sequestration (CCS), including "Direct air capture" technology, and carbon capture utilization and storage (CCUS) technology and infrastructure in New York State. CCS/CCUS not only place residents of environmental justice communities at increased risk of exposure to toxic emissions but also safety risks that put their health and lives in unnecessary danger. CCS is an unproven and profligate technology that's already cost taxpayers billions of dollars that could have been utilized for proven, renewable energy sources like wind, solar, and battery storage—all which continue to be cheaper and more efficient options than a technology preferred by the same fossil fuel industry most responsible for exacerbating the climate crisis, which they have a significant hand in creating.

MODULE 4: Sector-by-Sector Talking Points

Instructions: If you'd like to include some sector-specific information in your testimony, the following sector-by-sector talking points will give you some key recommendations and critiques on New York's current Draft Scoping Plan. These talking points were developed by members of NY Renew's policy committee. Keep this section to about one minute.

Buildings

- New York's commercial and residential buildings are older than the national average, and nearly 48% of households are of low-to-moderate income. New York must phase out fossil fuels and combustion appliances and technologies, support electric construction, and particularly all-electric new construction by 2024 and make residential homes safer for all. With targeted investment in disadvantaged communities for affordable housing, we can ensure that nearly half the residents in our state are less vulnerable to extractive financial practices and unsafe housing conditions.
- The current draft scoping plan does not adequately front-load investment and resources for disadvantaged communities, and it fails to put protections for consumers and communities on rate increases, predatory business practices, mistreatment by landlords, and gentrification. New York needs stronger regulations on investor-owned utilities and subsidies to private landlords in order to mitigate rent increases and evictions.

Transportation

- In New York today, all forms of transportation rely on fossil fuels, and New Yorkers are paying the price via exposure to toxic emissions and greenhouse gasses while also bearing the brunt of surging gas prices. In order to reach zero emissions, we must fully and swiftly electrify our transportation sector and offer workers displaced from fossil fuel industries the option to transition into unionized roles in the clean energy sector.
- This section of the draft scoping plan does not adequately address our need to expand and improve public electrified and intercity rail, which would improve transportation coverage and create good, green, unionized jobs in the process. Additionally, the sector fails to put forward policies that would influence economic growth and investments in new transportation technology and infrastructure in order to address deep-rooted systemic racism, poverty, and more. Last but not least, the language presented in this chapter is confusing and unclear. How are New Yorkers supposed to advocate for our health and our communities when we can't understand what the plan is?

Power Generation/Electricity

- Statewide, 43% of our energy is produced by fossil fuel generation. In order to reach our emissions goal of 70% renewable energy by 2030, we'll need to see a big increase in the use of renewable energy technology, as well as ban on any new or repowered gas plants.

By permitting new wind, solar, and battery storage, New York could fully leverage tools like community workforce agreements and project labor agreements to increase renewable energy statewide, creating permanent jobs in construction and direct air capture in the process.

- This is a critical decade for building out renewable generations. This section of New York's draft scoping plan must avoid false solutions and hypothetical technologies such as hydrogen, "renewable" natural gas (RNG), and carbon capture and storage (CCS). This sector also needs to evaluate funding mechanisms that could help overcome key barriers to public education and information on the benefits and opportunities of clean renewable energy.

Agriculture and Forestry

- This sector does not adequately advocate for increased public investment in land access and resources for underserved communities. It must provide significant public investments in land access and resources for members of BIPOC-, women-led, LGBTQIA+, low-income, veteran, and new farmer communities, including undocumented farmworkers across New York State.
- The sector's current articulation opens the door for both offsets and carbon trading programs that are antithetical to the emissions reduction mandates of the CLCPA and against the recommendations of the Climate Justice Working Group, which explicitly called for reduced market-based approaches to emissions reduction. New York needs forward-thinking strategies to incentivize farmers and landowners to transition to organic, agroecological, and regenerative systems that reduce on-farm emissions, build healthy soils that sequester carbon, and are fundamental to resilient local food systems.
- The CAC should consider splitting up this section and dedicating separate discussions for Agriculture and Forestry to allow for a deeper analysis and set of recommendations for the two sectors.

Just Transition

- The CAC must establish a Worker and Community Assurance Fund. Right now, this chapter fails to identify a mechanism to provide adequate support for displaced workers in fossil-fuel-dependent industries as well as to communities who rely on such industries, including wage replacement, pension support, and funding for lost tax base funding. In order to ensure a just transition to a renewable energy economy, we must uplift our workers while advancing policies to attract new family-sustaining unionized green jobs to New York. The CAC must come down in strong support of labor standards, including policies to require prevailing wage and benefits, local hire, project labor agreements, community benefits agreements, and protect existing workers' wages. The state should leverage its purchasing and contracting power to prioritize companies and contracts that support local hires and job access for traditionally excluded groups,

creating jobs along the clean energy, clean transport, and low-carbon supply chains.

- To support the at least 211,00 new jobs coming to NY, the State must direct funding toward workforce development, apprenticeship, and pre-apprenticeship programs. This could include training for public transit and school bus workers, training for fossil fuel industry employees on clean energy technologies, and more; as well as support for workers to attend existing training. This would help expand our green economy workforce to achieve our CLCPA goals as well as provide a pathway for members of our disadvantaged communities, environmental justice communities, and traditionally excluded workers to join the green workforce.

Waste

- The best-documented contributions to greenhouse gas emissions come from the mismanagement of waste from landfills, with 70% of municipal waste generating emissions. In light of this, New York must implement a combination of incentives and legislation, such as extended polluter responsibility, to design new approaches to waste and food scraps rather than sending them off to landfills where they contribute to emissions. Drastically reducing waste will also reduce the level of toxic emissions to which vulnerable communities are exposed.
- Annually, New York State produces more than 18 million tons of municipal solid waste (that's 1,850 pounds for every state resident each year!) Current waste management practices contribute to 12% of state-wide emissions, mainly from fugitive methane leaks. This section of the plan promotes problematic strategies that are not consistent with the CLCPA or environmental justice tenets such as capturing and "beneficially" reusing fugitive biogas, creating markets for biogas utilization, and increased utilization of biogas via large scale, industrial anaerobic digestion.

Industry

- Bottom line: New York must electrify. Our reliance on green hydrogen needs to be limited, especially as it continues to place an overwhelming burden on disadvantaged communities. If the state can focus on incentive-based measures catered to energy efficiency, workforce development will thrive and we'll be far more likely to meet our emissions goals by 2050.
- Industrial emissions make up 9% of statewide emissions. This sector must clarify objectives that promote environmental justice over business development. For example, it must leverage public procurement to promote low-carbon materials and include BIPOC communities in the creation of workforce development programs. Finally, this sector must omit any reliance on energy-intensive measures that threaten our climate goals, such as carbon capture and sequestration (CCS).

Land Use and Local Government

- In New York, there are more than 28 million acres of natural and working land. Land use directly affects the State's carbon emissions, sequestration, and storage while leadership and decisions of local governments play a key role in determining how successful we are in achieving the goals of the Climate Leadership and Community Protection Act (CLCPA). We must utilize smart growth land use patterns that reduce GHG emissions while ensuring sustainable land use planning and zoning.
- This sector does not address efforts to reform local governance and appointments to Regional Economic Development Councils (REDCs). To be truly inclusive, the state must ensure adequate visibility and representation of disadvantaged communities in REDCs. Additionally, transit-oriented development strategies must promote sustainable and resilient industrial development and prepare communities for a just transition in compliance with the CLCPA.