



# Memorandum of Opposition Clean Fuel Standard

A472 Woerner / S1343 Parker

The organizations signing this memorandum strongly oppose the “Clean Fuel Standard of 2025” legislation, which would require the Department of Environmental Conservation to establish a “clean fuel standard” to reduce “carbon intensity from the on-road transportation sector” by at least 20% by 2032.

This deceptively named “clean fuel” bill would in fact impede achievement of the goals of the landmark Climate Leadership and Community Protection Act (“CLCPA” or the “Climate Act”), passed in 2019. The CLCPA mandates that New York achieve a 40% reduction in greenhouse gas emissions by 2030. The transportation sector is responsible for 26% of greenhouse gas emissions in New York.<sup>1</sup> However, the Clean Fuel Standard bill only mandates a 20% reduction by 2032. This is far too little too late to meet our climate goals.

Furthermore, the bill would provide incentives to expand an industry that uses carbon-based fuels, such as bio-methane that will continue to release greenhouse gas emissions well into the future. This threatens the CLCPA-mandated reductions of 85% of emissions by 2050 and promotes false solutions to the climate crisis.

Policies that support the combustion of carbon-based fuels point New York in the wrong direction and continue to harm residents who already suffer from poor air quality. New York must not encourage fleet owners to transition from one combustible fuel to another when the overall goal is zero emissions. This legislation does not address that harm and would further the burdens placed on these communities. Instead, New York should adopt legislation that ensures the robust implementation of proposed and existing transportation electrification programs.

1. <https://dec.ny.gov/sites/default/files/2024-12/summaryreportnysghgemissionsreport.pdf>

The clean fuel standard would create a market that would drive revenue to subsidize polluting fuels rather than vital climate projects, and by creating a credit scheme for market participants, it would remove these funds from equity, investment, and job quality mandates. Specifically, by allowing the proceeds from this market-based strategy to be collected by the fossil fuel industry rather than the State of New York, these funds would not directly contribute to clean energy funds controlled by the state. Rather, this policy would rely on fuel providers to invest in renewable energy infrastructure, and there is no specific requirement to invest in and benefit environmental justice communities.

The CLCPA prohibits using biofuels for transportation as an offset, which this legislation would encourage. These offset schemes have historically resulted in continued pollution in disadvantaged communities while wealthier areas see relief from air pollution. For example, fuel providers buy offsets upstate and continue to emit pollution downstate.

To be clear, New York State cannot invest in half-measures and failed solutions that burden environmental justice communities with pollution while precious resources are wasted on schemes that lock in false solutions. Additionally, the flawed legislative finding that the costs of unsubstantiated air quality improvements “would be paid for by the fossil fuel industry rather than ratepayers” comes with no guardrails nor guarantees, structurally incentivizing any associated cost increase for carbon intensity reduction to consumers rather than truly holding polluting corporations accountable. The National Academies of Sciences, Engineering, and Medicine concluded that pursuing strategies like biofuel-based transportation fuels that “produce incremental reductions in emissions without facilitating transformation” - which requires a full phase-out of combustion vehicles - “can lead to technology lock-in and emission cul-de-sacs that make deep decarbonization by midcentury unattainable.”<sup>2</sup>

In conclusion, the clean fuel standards would divert resources to bio-fuels, which are harmful short-term false solutions, undermine the CLCPA mandates, and do nothing to address the detrimental co-pollutants that are immediately harmful to the residents of environmental justice communities. This bill is a far cry from what the Climate Action Council’s Scoping Plan recommended. To reach net-zero emissions, New York must transition to electrification not from one burnable fuel to another.

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climatecantwait.org

2. Nat’l Acads. Scis., Eng’g, & Med., Accelerating Deep Decarbonization of the U.S. Energy System at 48 (2021), <https://nap.nationalacademies.org/read/25932/chapter/1>