

Letter By Over 75 State and Local Organizations to State Leaders Calling for Penalty Provisions and Interim Targets in State Climate Law in Final State Budget

March 23, 2023

Hon. Governor Kathy Hochul
Hon. Majority Leader Andrea Stewart-Cousins
Hon. Speaker Carl E. Heastie

Re: We Must Have Penalty Provisions for Violations of the Climate Leadership and Community Protection Act and Interim Targets in the Final State Budget

Dear Governor Hochul, Majority Leader Stewart-Cousins, and Speaker Heastie:

As leaders of organizations representing hundreds of thousands of New Yorkers from every region of New York, we are writing to urge you to include in the final budget agreement provisions establishing strong penalties for excessive greenhouse gas (GHG) emissions in violation of the Climate Leadership and Community Protection Act (CLCPA); and mandating that the Department of Environmental Conservation (DEC) set annual interim targets for the reduction of GHG emissions. Both provisions are contained in the Senate “one-house” Article VII language bill that covers the climate and environment.¹

The CLCPA was landmark legislation that set our state on a path to dramatically reduce the human-caused greenhouse gas emissions that cause climate change. However, it neglected to establish penalties for noncompliance with the emissions targets that DEC must under the CLCPA set by regulation,² and established a single interim target of a 40 percent reduction in GHG emissions by 2030 on the way to the 2050 final date for the statute’s mandate of an 85 percent reduction. Without interim compliance targets, it may be extremely difficult to make policy adjustments to allow us to catch up if it appears we are falling behind in meeting either the CLCPA 2030 or 2050 targets.³

It is a basic principle that laws are likely to be far less effective unless regulated entities are subject to penalties for noncompliance; such penalties are routine in state environmental statutes, like the Air Pollution Control Act, New York’s version of the federal Clean Air Act.⁴ While we hope and expect that most businesses will in good faith comply with DEC’s emissions regulations, we need hold companies who do not comply accountable. Strong enforcement and penalties also ensure that some businesses are not tempted to avoid their obligations under the law to obtain a competitive advantage.

Our organizations also support several other initiatives to ensure that the CLCPA achieves its

¹ See S4008B, New York State Executive Budget Transportation, Economic Development and Environmental Conservation Article VII Legislation (“Senate TED Budget Bill” or “Senate one-house budget bill”), Part AAA, Proposed Environmental Conservation Law (“ECL”) §§ 75-0123(1), 75-0129, 75-0109(5).

² ECL § 75-0109(1).

³ ECL § 75-0107(1). We believe that DEC could set interim deadlines by regulation, but there is absolutely no reason why the Legislature and the Governor should not “fill in the blanks” and ensure compliance with the CLCPA through a mandatory annual review of progress in meeting the 2030 and 2050 targets in the CLCPA.

⁴ See ECL § 71-2103.

goals, including significant funding for climate and climate justice. The fines generated under the Senate one-house budget bill will ultimately be an important source of revenue to fund our state's transition to a renewable energy economy. The Senate one-house budget bill anticipates this, by requiring that fines be deposited in the Climate and Community Protection Fund established by the bill,⁵ allowing the funds to be used for a wide range of vital climate initiatives, like offshore wind, energy affordability, programs to transition agriculture to more sustainable practices, green transportation, community-directed climate solutions, worker transition, supporting workers displaced by the transition to renewables, and assisting disadvantaged communities.⁶ However, it is important to note that the funds will not be available for a number of years, and the amount that will be generated by fines is uncertain. Therefore, the availability of some revenue from fines is no substitute for establishing other revenue streams to support these and other climate and other related energy initiatives.

We also support measures to ensure a transition away from our state's gas infrastructure; ensure that cap-and-invest or any other system New York establishes to reduce GHG emissions year-by-year is implemented in a way so as to not disproportionately burden disadvantaged communities; mandate that new buildings be all-electric; ensure that state buildings are 100 percent renewable; and increase the state's role in building renewables.

However, in passing these measures, we must keep in mind the critical central role that strong state enforcement must play in meeting the goals in the CLCPA. We therefore urge you to make sure that strong interim targets and penalty provisions are included in the final climate provisions of the state budget.

Signers

Statewide and National Groups

Alliance for a Green Economy
Andra Leimanis, Outreach Director

Judith Enck, Former EPA Regional
Administrator

Atlantic Climate Justice Alliance
Deanee Rios, Executive Director

Energy Allies
Yesenia Rivera, Executive Director

Church Women United in New York State
Mary Smith, Communications Director

Food & Water Watch
Alex Beauchamp, Northeast Region Director

Citizen Action of New York
Bob Cohen, Policy and Research Director

FrackBustersNY
Mary T. Finneran

Concerned Health Professionals of New York
Carmi Orenstein MPH, Program Director

Grassroots Environmental Education
Patricia Wood, Executive Director

Divest NY
Dorian Fulvio

Green Education and Legal Fund
Mark Dunlea, Chair

Earthjustice
Liz Moran, New York Policy Advocate

Mothers Out Front NY
Alÿcia Bacon, NY Organizer

Earthkeeper Health Resources
Amy Rosmarin, Executive Director

NY Renews
Stephan Edel, Coalition Coordinator

⁵ Senate TED Budget Bill, Part AAA, Proposed ECL § 75-0129(2).

⁶ See Senate TED Budget Bill, Part AAA, Proposed State Finance Law § 92-gg.

NY State Council of Churches
Rev. Peter Cook, Executive Director

New York Climate Advocacy Project
Ruth Foster, Director

New York Lawyers for the Public Interest
Anthony Rogers-Wright, Director of
Environmental Justice

NYPIRG
Anne Rabe, Environmental Policy Director

New York Youth Climate Leaders
Sophie Campbell, Executive Director

North American Climate, Conservation and
Environment (NACCE)
Jerry Rivers, Environmental Scientist

Start:Empowerment
Kier Blake, Director of Education and
Community Partnerships

TIAA-Divest!
Bill Kish, Co-organizer

United for Clean Energy
Tina Volz-Bongar, Co-Organizer

Vote Solar
Elena Weissmann, Northeast Regional Director

Local and Regional Groups

350Brooklyn
Mimi Bluestone, Co-leader

350 NYC
John Ingram

Albany UU Green Sanctuary Team
Chuck Manning, Chair

Beacon Climate Action Now (BCAN)
Veekas Ashoka, Co-Founder

Bethlehem Morning Voice Huddle
Thomas Goodfellow

Bronx Climate Justice North
Jennifer Scarlott, Coordinator

Campaign for Renewable Energy
Brian Eden, Policy Coordinator

Catskill Mountainkeeper
Wes Gillingham, Associate Director

Citizens' Climate Lobby, Brooklyn
Taylor Plante, Volunteer

Clean Air Action Network of Glens Falls
Tracy Frisch, Chair

Clean Air Coalition of WNY
Bridge Rauch, Environmental Justice Organizer

Climate Crisis Working Group (IMV)
Margaret Reilly, P.E., Co-Leader

Climate Families NYC
Chandra Bocci

Climate Reality Finger Lakes Greater Region NY
Chapter
Thomas Hirasuna, Co-Chair

Climate Reality Project: Capital Region Chapter
Maura McNulty, Chair

Climate Reality Project Long Island Chapter
Francesca Rheannon, Co-Chair

Climate Reality Project, Western New York
Chapter
Lynn Saxton, Co-Chair

Climate Solutions Accelerator of the Genesee-
Finger Lakes Region
Clare Henrie, Director of Policy and Advocacy

Color Penfield Green
Katie Rygg, Co-Lead

Environmental Justice Ministry of First Unitarian
Rochester
John Keevert

Fossil Free Tompkins
Irene Weiser, Coordinator

For the Many
Daniel Atonna, Political Coordinator

Forest Hills Green Team
Dan Miner, Co-Chair

Indivisible Scarsdale
Elaine Weir, Environmental Chair

Long Island Progressive Coalition
Lisa Tyson, Executive Director

Mothers Out Front, Long Island Team
Billii Roberti, Team Coordinator

Mothers Out Front – Westchester Rivertowns
Amy Hill

Nassau Hiking & Outdoor Club
Guy Jacob, Conservation Chair

New York Solar Energy Society
Wyldon King Fishman, President and Founder

No North Brooklyn Pipeline Alliance
J Ferretti

North Bronx Racial Justice
Jennifer Scarlott, Coordinator

North Country Earth Action
Lisa Adamson, Partner

NYC 2030 District
Haym Gross, Chair

NYCD16 Indivisible
Natalie Polvere, Co-Chair, Environment
Committee

People for a Healthy Environment
Doug Couchon, President

People of Albany United for Safe Energy
(PAUSE)
Mark Schaeffer

People United for Sustainable Housing (PUSH
Buffalo)
Dawn Wells-Clyburn, Executive Director

Progressive Schenectady
Katie Chao, Co-Lead Organizer

Rivers & Mountains GreenFaith
Michael Richardson, Co-Founder

Roctricity, LLC
Susan Hughes-Smith, Partner

Sane Energy Project
Kim Fraczek, Director

Save the Pine Bush
Lynne Jackson

Seneca Lake Guardian
Yvonne Taylor, Vice President

Sisters of St. Dominic of Blauvelt, New York
Sr. Joan Agro, OP
Sixth Street Community Center
Hennessy Garcia, Climate Justice Organizer

Solidarity Committee, Capital District
Doug Bullock, Founding Member

Stop the Algonquin Pipeline Expansion
Susan Van Dolsen, Co-founder

Stop NY Fracked Gas Pipeline
Becky Meier, Co-Founder

Sustainable Warwick
Michael Helme, Steering Committee Member

Sullivan Alliance for Sustainable Development
Michael Chojnicki, SASD Board President

Sunrise Movement NYC
Jonathan Salazar, hub coordinator

Tompkins County Climate Protection Initiative
Peter Bardaglio, Coordinator

Westchester for Change
Susan Van Dolsen, Co-organizer

XR - Mid-Hudson,
Margaret Human, Scribe