

## **CLCPA Summary Implementation Requirements**

This is a summary of the schedule and implementation planning requirements of the Climate Leadership and Community Protection Act (CLCPA). There is a narrative description of the schedule and implementation requirements and an outline of specific requirements.

### **Schedule**

The CLCPA establishes an implementation schedule for compliance with its targets. One year after the effective date of the law, the CLCPA mandates that the Department of Environmental Conservation (DEC) establish the 2030 and 2050 statewide emission limits ([Part 496](#)) and that the Climate Action Council (CAC) be organized and start meeting. DEC has proposed the emission limits and the CAC has been meeting since early this year albeit they just have started meeting regularly. The CAC has another year after the effective date of the law to develop a scoping plan that will outline a plan to meet the limits. After a year's review the CAC submits the final scoping plan to the Governor. Four years after the effective date of the law the DEC is required to promulgate regulations implementing the scoping plan recommendations. The CLCPA specifics of the timeline requirements are documented below.

Section § 75-0103 in the CLCPA establishes the New York CAC. The CAC is charged with planning responsibility:

“The council shall on or before two years of the effective date of this article, prepare and approve a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emissions limits in accordance with the schedule established in section 75-0107 of this article, and for the reduction of emissions beyond eighty-five percent, net zero emissions in all sectors of the economy, which shall inform the state energy planning board's adoption of a state energy plan in accordance with section 6-104 of the energy law. The first state energy plan issued subsequent to completion of the scoping plan required by this section shall incorporate the recommendations of the council. “

It goes on to state that:

On or before three years of the effective date of this article, the council shall submit the final scoping plan to the governor, the speaker of the assembly and the temporary president of the senate and post such plan on its website.

Section § 75-0107 states that statewide greenhouse gas emissions limits will be promulgated:

No later than one year after the effective date of this article, the department shall, pursuant to rules and regulations promulgated after at least one public hearing, establish a statewide greenhouse gas emissions limit as a percentage of 1990 emissions, as estimated pursuant to section 75-0105 of this article, as follows:

2030: 60% of 1990 emissions.

2050: 15% of 1990 emissions.

Section § 75-0109 in the CLCPA mandates promulgation of regulations to achieve statewide greenhouse gas emissions reductions:

No later than four years after the effective date of this article, the department, after public workshops and consultation with the council, the environmental justice advisory group, and the

climate justice working group established pursuant to section 75-0111 of this article, representatives of regulated entities, community organizations, environmental groups, health professionals, labor unions, municipal corporations, trade associations and other stakeholders, shall, after no less than two public hearings, promulgate rules and regulations to ensure compliance with the statewide emissions reduction limits and work with other state agencies and authorities to promulgate regulations required by section eight of the chapter of the laws of two thousand nineteen that added this article.

### **Planning Implementation**

Section § 75-0103 in the CLCPA establishes the New York state CAC that has primary planning responsibility as defined above. The CAC consists of 22 members: twelve agency heads, two non-agency expert members appointed by the Governor, six members appointed by the majority leaders of the Senate and Assembly, and two members appointed by the minority members of the Senate and Assembly. All twelve agency heads and two non-agency expert members were appointed by the Governor so the majority of the CAC is directly beholden to him.

In order to “provide recommendations to the council on specific topics, in its preparation of the scoping plan, and interim updates to the scoping plan, and in fulfilling the council's ongoing duties”, the CAC (§ 75-0103, 7) “shall convene advisory panels requiring special expertise and, at a minimum, shall establish advisory panels on transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry”.

Section § 75-0103, 7 (b) states that “Advisory panels shall be comprised of no more than five voting members. The council shall elect advisory panel members, and such membership shall at all times represent individuals with direct involvement or expertise in matters to be addressed by the advisory panels pursuant to this section.” Note, however, that all the advisory panels had more than five members nominated: transportation (15), energy intensive and trade-exposed industries (12), land-use and local government (10), energy efficiency and housing (13), power generation (14), and agriculture and forestry (17). It is not clear how any issues will be resolved given the voting member requirement.

The important thing to keep in mind is that that scoping plan “shall inform the state energy planning board's adoption of a state energy plan in accordance with section 6-104 of the energy law. The first state energy plan issued subsequent to completion of the scoping plan required by this section shall incorporate the recommendations of the council.”

## Climate Leadership and Community Protection Act

- [“Climate Act” signed in July 2019](#)
- [Environmental Conservation Article 75 Climate Change](#)
  - [Section 75-0101 Definitions](#)
  - [Section 75-0103 New York state climate action council](#)
  - [Section 75-0105 Statewide greenhouse gas emissions report](#)
  - [Section 75-0107 Statewide greenhouse gas emissions limits](#)
  - [Section 75-0109 Promulgation of regulations to achieve statewide greenhouse gas emissions reductions](#)
  - [Section 75-0111 Climate justice working group](#)
  - [Section 75-0113 Value of carbon](#)
  - [Section 75-0115 Community air monitoring program](#)
  - [Section 75-0117 Investment of funds](#)
  - [Section 75-0119 Implementation reporting](#)
- Overview by Citizen’s Budget Commission: [Green in Perspective: 6 Facts to Help New Yorkers Understand the Climate Leadership and Community Protection Act.](#)

## Climate Act Targets

- 85% Reduction in GHG Emissions by 2050
- 100% Carbon-free Electricity by 2040
- 70% Renewable Energy by 2030
- 9,000 MW of Offshore Wind by 2035
- 3,000 MW of Energy Storage by 2030
- 6,000 MW of Solar by 2025
- 22 Million Tons of Carbon Reduction through Energy Efficiency and Electrification

## Climate Act Schedule

- Established upon promulgation
  - [Climate Action Council \(§ 75-0103\)](#)
- One year after the effective date of the law
  - DEC must establish the 2030 and 2050 statewide emission limits ([§ 75-0107](#))
  - DEC proposed regulations ([Part 496](#))
- Two years after the effective date of the law
  - Climate Action Council shall prepare and approve a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emissions limits ([§ 75-0103](#), 11)
- Three years after the effective date of the law
  - Climate Action Council shall submit the final scoping plan to the governor, the speaker of the assembly and the temporary president of the senate and post such plan on its website. ([§ 75-0103](#), 12,c)
- Four years after the effective date of the law
  - DEC is required to promulgate regulations implementing the scoping plan recommendations. ([§ 75-0109](#))

## Climate Act Implementation

- [Climate Action Council \(§ 75-0103\)](#)

- The CAC consists of 22 members
  - 12 agency heads
  - 2 non-agency expert members appointed by the Governor
  - 6 members appointed by the majority leaders of the Senate and Assembly
  - 2 members appointed by the minority members of the Senate and Assembly
- [Climate Action Council Advisory Panels \(§ 75-0103, 7\)](#)
  - Provide recommendations to the council on specific topics, in its preparation of the scoping plan, and interim updates to the scoping plan, and in fulfilling the council's ongoing duties
  - “Shall convene advisory panels requiring special expertise and, at a minimum, shall establish advisory panels on transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry”.
  - “Shall inform the state energy planning board's adoption of a state energy plan in accordance with section 6-104 of the energy law. The first state energy plan issued subsequent to completion of the scoping plan required by this section shall incorporate the recommendations of the council.”
- [Just Transition Working Group \(§ 75-0103, 8\)](#)
  - Prepare and publish recommendations to the council on how to address: issues and opportunities related to the energy-intensive and trade-exposed entities; workforce development for trade-exposed entities, disadvantaged communities and underrepresented segments of the population; measures to minimize the carbon leakage risk and minimize anti-competitiveness impacts of any potential carbon policies and energy sector mandates.
  - Conduct a study of and report on:
    - The number of jobs created to counter climate change, which shall include but not be limited to the energy sector, building sector, transportation sector, and working lands sector;
    - The projection of the inventory of jobs needed and the skills and training required to meet the demand of jobs to counter climate change;
    - Workforce disruption due to community transitions from a low carbon economy.
- [Environmental Justice Working Group \(§ 75-0101 ,15\)](#)
  - "Environmental justice advisory group" is the permanent environmental justice advisory group
  - Each advisory panel is required to coordinate with the environmental justice advisory group
  - The draft scoping plan shall be developed in consultation with the environmental justice advisory group
  - The final scoping plan has to be developed in consultation with the environmental justice advisory group
- [Climate Justice Working Group \(§ 75-0111\)](#)
  - Each advisory panel is required to coordinate with the climate justice working group

- The draft scoping plan shall be developed in consultation with the climate justice working group
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