

CLCPA implementation background

On July 18, 2019 New York Governor Andrew Cuomo signed the [Climate Leadership and Community Protection Act](#) (CLCPA), which establishes targets for decreasing greenhouse gas emissions, increasing renewable electricity production, and improving energy efficiency. It was [described as](#) the most ambitious and comprehensive climate and clean energy legislation in the country when Cuomo signed the legislation. I have summarized the schedule, implementation components, and provide links to the legislation itself at [CLCPA Summary Implementation Requirements](#).

The CLCPA mandates that a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emissions shall be prepared and approved by December 31, 2021. The Climate Action Council and seven advisory panels, transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, waste, and agriculture and forestry consisting political appointees and supported by agency staff are charged with this responsibility.

Section § 75-0103 in the CLCPA establishes the New York state Climate Action Council (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. “

In order to develop this scoping plan that will transition New York’s entire energy economy, the CAC has a membership strongly weighted with Cuomo administration appointees. 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. Moreover, the primary qualification for membership was clearly who you knew rather than what you know.

Each advisory panel is expected to “Identify a range of emissions reductions, consistent with analysis and in consultation with the CAC, for the sector which contributes to meeting the statewide emission limits.” They are supposed to:

- Present a list of recommendations for emissions reducing policies, programs or actions, for consideration by the Climate Action Council for inclusion in the Scoping Plan.
 - Recommendations should identify the estimated scale of impact, knowable costs to achieve, ease of deployment or commercial availability, potential co-benefits to emissions reduction, advancement of climate justice outcomes, and impacts to businesses.
 - Recommendations may be informed by quantitative analysis or qualitative assessment.
- Seek public input to inform the development of recommendations to the Council for consideration.
 - Panels may seek input from selected expertise in a subject area, as determined necessary by the members.
 - Panels shall, during the next six months, hold at least one forum to receive broad-based public input.
 - Provide transparency by making meetings open to public viewing or/and publishing minutes of deliberations.

The CLCPA recognizes that this is a significant undertaking and provides process support:

- Each advisory panel will be supported by:
 - Access to consulting firm Energy and Environmental Economics (“E3”) to provide economic and technology assumptions, understanding of market development as based on literature research, some quantitative analysis of higher impact recommendations.
 - A working group comprising staff from contributing state agencies or authorities to assist with research and less-detailed analytical work.
 - Completed state technology or market studies and other research resources as available.
 - Where initiated, current state agency technical analysis or market development assessments that may serve as a foundation for recommendations or as reference material for development of recommendations.