

Comments of Gary R. Schoonmaker, Citizen of New York State

To the Climate Action Council under the New York State Climate Leadership and Community Protection Act

On April 26, 2022, I used my 2 minutes at the public hearing at the College of Environmental Science and Forestry in Syracuse (3:22:15 of the video recording) to present my credentials and raise serious concerns about the practical limitations on implementing the plan as proposed in the draft scoping plan. Briefly, I am a 70 year old, lifetime citizen of New York State; a licensed Landscape Architect with over 18 years experience at an electric and gas utility in New York State; and involvement in many environmental organizations in Central New York. I further described that I designed and built an energy efficient home in 1978 which had an air-to-air heat pump and now has solar panels; and have over 40 years experience in real estate development.

In my testimony, I questioned the reasonableness of coercing compliance from state residents instead of offering people a solution similar to previous energy transitions where people chose the change themselves eg. kerosene or whale oil to electricity, or horses to automobiles. One could add any number of other transitions: pony express to telegraph, telegraph to radio, radio to television; crank telephone to corded telephone to wireless to cell phones; coal or wood to other fossil fuels for space heating; open windows to air conditioning; the list goes on and on! The commonality for all of these is that people chose to adopt these changes for themselves because they believed the new technologies bettered their lives and were in their own best interests.. The government did not dictate or coerce the whole of society to change based on their assumed wisdom. They trusted the people to make the best decisions for themselves.

In the present situation however, the government, in the form of the State Legislature, the Governor, the Climate Action Council, and other agencies (including the Public Service Commission), have now decided they know best and are proposing to use the power of the State to coerce change because they think they know best. No gas connections after 2024; no gas appliances after 2030; no fossil fueled vehicles after 2035..... And on and on with little regard for the desires of the citizens or their freedom to live their lives as they see fit.

I also addressed the impracticality of doubling the capacity of the electrical system: generation; transmission; distribution, in the next eight years as proposed. Ask anyone in the utility industry with experience in constructing new facilities how long it takes to design, get approval for and construct new or even upgraded facilities and they will tell you that doubling capacity in eight years (or less) is not only impractical, but impossible. Even if by fiat the State was to order such a change, there is little recognition in the plan for the social upheaval that would result from constructing hundreds of miles of new transmission lines and digging up every urban area and suburban neighborhood with underground utility services for years in order to implement the upgrades.

That was the limit of what I could raise in the two-minute comment period. However, in the time since the hearing, I have had so many thoughts about this that I don't know how to capture them all even in written comments!

What is wrong with it? ... Let me count the ways!

My concerns with this plan cover a wide expanse of issues from professional to practical to technical to philosophical to legal to ethical.

Professional:

As stated above, in my professional opinion the plan schedule as proposed cannot be met. Beyond that, even if all the technology was already developed to implement the plan (which it is not), it would take the overbearing coercive power of the State to implement it in even twice the time.

Practical:

There are a large number of practical problems with converting our whole energy system to electricity. Conversion of housing, businesses, and transportation from fossil fuels to electricity in even a decade is impractical. There are over eight million housing units in New York State; and over a half million businesses and more than five million private and commercial vehicles in New York State. How many now use something other than electricity for major portions of their energy needs? How long does it take to convert each from it's present energy to electricity? How much money will it take to convert? Who will be expected to pay for all this? Are there sufficient resources (ie supply chain, including raw materials acquisition and manufacturing) available to convert all of these to electricity? When considering transportation, is the technology sufficiently mature, or are we just hoping that it will develop in time? Are there enough contractors to complete the work (considering NYSERDA has recognized a shortage and has set up an expensive program to try to get more technicians trained!)?

Much of the older housing stock has early electrical systems, some even dating back to the advent of electrification. I own a couple of houses that have 100-amp service entrances, which are not suitable for full electrification. To install heat pumps would require upgrading of the breaker panels, the overhead service entrances and the disconnects. In addition, one of the houses presently has hot water heat for which heat pumps are not well adapted. I know there are at least hundreds of thousands of similar houses throughout New York State.

One item of particular practicability is the reliance on yet-to-be invented technologies in order to implement the plan. For example, the Dispatchable Emissions Free Resource (DFER), which is a place holder for new power capacity technology that has not yet been invented, but will hopefully be available in time to cover the demand when fossil fuels are terminated. (If not, will environmental justice dictate that state office buildings go without heat so the previously aggrieved parties are not again mistreated?)

Another is the reliance on storage battery technology which is still not sufficiently mature to take its place to make solar and wind marginably practicable.

Philosophical:

Why are we proposing to implement this change from technologies that have evolved over more than a hundred years, to technologies that are not yet even in existence much less mature? The principal reason has to do with fear of man induced climate change. So philosophically, how sure are we that climate change is real; that man is the principal driver of climate change; that man's actions can be modified to effect a meaningful change; and that such change would actually benefit mankind?

It would be difficult to argue against the premise that climate is and has always been in the process of changing. The geological record indicates that most of New York State was under an ice sheet more than a mile thick as late as 10,000 years ago. As a result, ocean levels were lower and the climate here was quite cold. However, as the climate warmed, (naturally), the glacier melted and receded, the oceans rose and the land rebounded. As these things happened, man started moving into the area in small numbers. It was not the presence of these people that caused the warming, it was the natural processes of the earth. As the earth continued to warm, previously uninhabitable areas became suitable for even the early peoples who moved and adapted as the climate changed.

Man-induced climate change is not "settled science" no matter what we are told. In fact "settled science" is an oxymoron to science itself. Science is the continual process of questioning everything. When someone tells you not to question, they have stopped being scientists and become politicians with an agenda. In fact, there are many highly qualified scientists who question the theory of man-induced climate change and the practicability of man being able to control the climate in meaningful ways. Honestly, the idea that men can control climate is egotistical at best and ridiculous at worst. Man is much more capable of adapting to, rather than controlling climate or weather.

The following is recently published information from some who question the legitimacy of the claims on which the draconian Draft Scoping plan is premised:

<https://rclutz.com/2022/05/21/un-false-alarms-from-key-climate-indicators/>
<https://realclimatescience.com/2022/05/time-to-end-the-denial/>

Technical:

With the caveat that I'm not a climate scientist, I have the following observations regarding the reliability of the climate change computer models on which the fear of climate change is extrapolated.

Computer models are based on two principal items: inputs and the internal programs. Both need to be completely transparent to garner the trust necessary to make the kind of changes to society that are dictated by the Climate Action Council's Draft Scoping Plan. Unfortunately, the present models are admittedly sketchy. If you read the supporting text about these models, they are replete with qualifications and hedging which is actually appropriate considering the state of maturity and confidence in the results.

They are trying to project the climate for the next hundred years. Really!?! There are so many data points and interactions, that such an effort is futile. Considering that the input data is from a couple of hundred of years at best, the period of record seems horrifically short considering that climate has been

changing for thousands of years. Then they want us to believe that they understand and have programmed the models to accurately predict the interactions of the millions of variables.

Much more effort has been applied to a much more constrained projection to model the path of hurricanes. But, think about the spaghetti maps you have seen as a hurricane approaches the coast. There are twenty or more computer models that, based on their inputs and internal assumptions, show the hurricane moving in twenty different directions over an area hundreds of miles apart. These hurricane models are working with real time data and a more limited number of variables than the climate models, yet they have extremely divergent results. Why should we believe that the climate models are any more accurate when handling infinitely more data and interdependent variables? And yet, the legislature and the governor, and the Climate Action Council are proposing to coerce us into upending our entire society at huge expense based on these models.

Legal:

From a legal standpoint, there are a couple of issues which I don't believe have been adequately addressed in the draft scoping plan. They are:

When is the New York State Environmental Quality Review Act triggered and the plan subjected to that review?

The plan appears to violate the "taking" provision of the United States Constitution's 5th amendment and the New York State Constitution.

State Environmental Quality Review Act (SEQRA)

SEQRA requires that the environmental effects of actions taken by public and private entities in New York State be evaluated in a formal process prior to the implementation of the planned action. This is a comprehensive process that usually involves many years of study, review and evaluation of alternatives, and public hearings in a formal process, before implementation may begin. The recently completed hearings on the draft scoping plan would not constitute compliance with SEQRA. So, when will this review take place; when the Public Service Commission announces its proposal for how to implement the plan? That seems a little late.

One evaluation which looks at the environmental effects of the plan can be found here:

[CLCPA Cumulative Environmental Impacts](#)

5th Amendment to the United States Constitution and New York State Constitution

United States Constitution, Amendment 5: "No person shall.....be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation."

New York State Constitution: “Article 1 §7. (a) Private property shall not be taken for public use without just compensation”

Both the Federal and State constitutions prohibit the taking of private property without just compensation. It would seem that the forced abandonment of natural gas systems, fossil fired generation facilities, natural gas appliances, personal and commercial fossil fueled vehicles, and perhaps other privately held property, would constitute a “taking” and therefore require compensation. The costs reported in the draft plan do not appear to include the costs associated with arguing the applicability of the legal premise, much less the actual compensation for the property being taken.

Ethical:

What do ethics have to do with climate change? Our State and country were established on the principles of the life, liberty, and the pursuit of happiness. The Declaration of Independence further states that governments are instituted to secure these rights, not trample them. Freedom to live and choose for ourselves are paramount to individual rights. The governments we live under are supposed to be our servants not our masters. However, the Draft Scoping Plan describes something coercive. However noble the representatives on the Council may believe they are, they are not ethically entitled to impose their opinions, or moral superiority on those who disagree with them. Even the legislature has exceeded their moral and ethical authority in the coercive nature of the enabling legislation that created the Climate Action Council, who then created the draft scoping plan.

At what point does the concept of individual freedom become subservient to the State’s coercive powers? This is something that is questioned in far more than the subject at hand, but in this case, as in earlier energy transitions, people should not be coerced under an arbitrary and unsubstantiated timeline, but allowed to choose for themselves as the change actually benefits them at the proper time. In the meantime, we can all adapt as we see fit.

Conclusions:

Instead of the heavy-handed coercion of the present plan (and even legislation), we should slow down and let people choose for themselves as the technology matures and provides the incentives for people to change if it benefits them. I have a friend who just bought a hybrid pick-up truck and he is very happy with it. Perhaps that is a better way to go than pure electric. This draft plan doesn’t allow for that option.

Natural gas is a relatively clean fuel as is nuclear, but both are excluded.

Hydrogen and fuel cell technology also hold significant promise for working towards the goals of the plan, but would be excluded if the plan was to be implemented as scheduled. People at the hearings made strong arguments for winterizing older homes as an initial step towards reaching the goals of the plan, but they were apparently dismissed for not being aggressive enough. Actually, aggression is a good word to describe the proposed plan: aggressive and confrontational and offensive to the American principles of individual freedom, free choice and justice.

There are many unintended consequences of the proposed draft plan. One oddity just came to my attention. Chaps worn by foresters to protect their legs from serious lacerations are designed to, and only work when using gas chain saws because they are designed to bind the chain. Unfortunately, they don't work if one is cutting with an electric chainsaw because it won't choke out, it will keep trying to cut. Now that's not saying the problem can't be worked out, just that if there is such a simple problem hiding in the weeds, there necessarily must be untold numbers of other unknown problems which will need to be addressed when implementing so many changes, so quickly, in such a short amount of time, and without time to test the efforts. Speed kills!

Generally, the costs presented in the draft scoping plan are understated (as described above), and the benefits overstated. One example in particular, taking a health credit of 40 billion dollars (for increased walking) seems preposterous and a significant exaggeration!

So, in conclusion, please slow down and wait for climate change to be more honestly and fully understood, and for the necessary technologies to catch up, mature and be fully tested. If allowed to so evolve, rather than being dictated to, people can evaluate the benefits for themselves and choose if and when they want to make the changes. They are then adopted freely by the citizens of the State of New York in their collective wisdom.

Anyone who argues that the people may not make the "right" decisions, are just proving my point that this plan is coercive and they are promoting fascism over freedom. Without apologies, that's just too bad...in a republic the people get to choose!

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