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**Testimony of Rachel Spector, Environmental Justice Program Director at  
New York Lawyers for the Public Interest  
to the New York State Assembly Environmental Conservation Committee on May 17,  
2019  
regarding Climate Change, Equity and the Climate and Community Protection Act**

Thank you, Chair Englebright and members of the committee, for the opportunity to speak with you today on how New York can best address the climate crisis in a way that furthers equity in the state, best advances decarbonization goals, and protects workers and the communities most vulnerable to climate change.

We can all agree in this room that climate change is real; it is happening now; its effects on our state's residents and economy will be devastating if unchecked. The question that remains for New York is how we address it – and the how is particularly important for New York's low-income communities and communities of color, who have the most to gain or lose depending on how we move forward. At New York Lawyers for the Public Interest, where I am the Environmental Justice Program Director, we have worked for nearly three decades to reduce the disproportionate environmental hazards in low-income communities and communities of color in the New York City area. We support the Climate and Community Protection Act (CCPA), because it is the only climate bill that takes steps to ensure that the people on the front lines of the climate crisis benefit equitably from the transition to a renewable energy economy. The CCPA is also the only climate bill to address not just greenhouse gas emissions but also prioritize reducing the co-pollutants that harm the health of people in the communities we work with every day.

Sources of both greenhouse gas and other air pollutants – from power plants to industrial facilities to diesel trucks – are disproportionately concentrated in communities of color and low-income communities. These communities are also more likely to experience unemployment and disinvestment as well as to be more vulnerable to the effects of climate change like storm surge and urban heat islands. The CCPA's equity provisions ensure that we prioritize these communities as we invest in new infrastructure and renewable energy, and that our measures to address greenhouse gas emissions eliminate, rather than exacerbate, pollution in these communities.

## Investing in Environmental Justice Communities

Investing at least 40% of climate and energy funds to benefit low-income, frontline, and communities of color is a key provision of the CCPA that will ultimately benefit the state as a whole because investments in these communities will have the highest impact. Displacing polluting infrastructure in these communities has substantial public health benefits that will save the state enormous amounts of money in avoided hospital admissions and other associated health costs. Investing in jobs in these communities, which experience higher rates of unemployment, will also have a higher return for the state. I want to clarify a few possible misconceptions about this provision:

- First, the 40% figure tracks the percentage of New Yorkers who are people of color (42%) and the percentage of households making less than \$50,000 a year (44%). It simply ensures we are directing investments equitably across the population.
- Second, the CCPA specifies several funds to which the 40% equitable investment requirement would apply – it is far from a mandate governing all government spending related to climate and energy, and it would apply to overall future allocations from those revenue streams.
- Third, the requirement to invest funds in a manner that will benefit disadvantaged communities leaves the state a great deal of flexibility to invest in projects ranging from energy efficiency and weatherization in low-income communities to community-based renewables to climate mitigation, and even in offshore wind power that leads directly to permanent shutdown of polluting power plants in environmental justice communities.

## Achieving Zero Emissions

The CCPA's zero-emissions pathway by 2050 is also a critical provision both for environmental justice communities and for the state as a whole. It is critical to maintain the zero-emissions benchmark in the CCPA and not weaken the bill with a net zero approach facilitated by problematic strategies like carbon offsets. Any steps to broadly allow for carbon offsets will send an extremely harmful signal for polluters that they will be able to continue with business as usual. For New York's low-income communities and communities of color, business as usual is not an option. Allowing an industrial facility in the Bronx to continue its operations while purchasing carbon offsets that purport to protect forests in Brazil doesn't eliminate harmful co-pollutants in the Bronx, and will significantly diminish the public health benefits of the CCPA. This is unjust. It is also economically unsound and unwise for New York state.

Incorporating carbon offsets could actually diminish the effectiveness of the CCPA to reduce overall carbon emissions. Offsets provide a loophole that will allow the continued use of fossil fuels here in New York and can be a drag on development of new technologies to reduce emissions. Offset programs are difficult to regulate and monitor, and many have questionable impact on greenhouse gas emissions. A recent study estimates that many of the credited negative emissions from California's offset program purchased through the U.S. forestry protocol were wildly overestimated, because the offsets may have simply served to shift timber harvesting elsewhere. Given the seriousness of the climate crisis, New York cannot take the risk of relying on unproven offset programs. Even a so-called "carbon-neutral" approach must be evaluated extremely carefully, as carbon-neutral standards promote alternative energy sources that harm low-income communities, like waste-to-energy and some biofuels.

Thoughtful people have raised concerns about the feasibility of the CCPA's zero-emissions approach. While these questions are legitimate for a small percentage of New York's emissions, particularly those from certain industrial operations, we must remember that there will be rapid advances in technology over the next 30 years, and we should not weaken our goals simply because we have yet to develop certain technologies to reduce emissions. We must also remember – and hope! – that New York may be the first to act in our region, but we will not be alone. Future regional and federal-level action will address emissions from interstate sources New York cannot reach with state legislation.

Finally, I want to stress again that the CCPA is at its heart a framework for moving forward, not a prescription. The bill sets up an inclusive and iterative process for the state to determine how it will reduce greenhouse gas emissions, and it incorporates significant flexibility over the next 30 years for the state to adapt its approach in what will undoubtedly be a rapidly changing technological and regulatory landscape. If there are certain carbon emissions that cannot be eliminated by 2050, the CCPA builds in regulatory flexibility that will allow the state to make the necessary adjustments to account for that reality.

By enacting the CCPA, New York has a chance to set the standard for a robust, economy-wide carbon reduction policy that ensures equity and protections for workers and those on the front lines of the climate crisis. We cannot shrink from that task.

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