

“The largest source of emissions by far in NY is the heating of our homes and commercial buildings, so reducing these emissions must be a top priority.

A first step towards doing so is to ban the use of fossil fuels in new construction ASAP, and instead encourage beneficial electrification of heating through high-efficiency heat pumps and other modern technologies. Recent studies indicate that this transition would actually reduce construction costs and utility bills, as well as move us towards carbon neutrality.”

Robert W. Howarth, Ph.D., Climate Action Council Member

“You must stop pretending that we can solve the climate and ecological crisis without treating it as a crisis.” Greta Thunberg (through Bill McKibben)

TO: Governor Kathy Hochul and Climate Action Council Members

FROM: 126 State and Regional Organizations
(List at end of Memo)

RE: Reject CAC Staff’s Proposal to Delay & Weaken
The Scoping Plan’s New Building Electrification Recommendations

DATE: Tuesday, October 25, 2022

We write to urge Governor Hochul, as the executive leader of New York State, and all of the appointed members of the Climate Action Council (CAC), to immediately reject the CAC state agency staff’s proposal on October 13th to delay and weaken the building electrification recommendation in the proposed Scoping Plan. These changes undermine the CLCPA’s designated responsibilities to the Council to ensure that the Scoping Plan will enable the State to reach the legally mandated goals to achieve 40% reduction in greenhouse gas emissions (GHG) by 2030 and 85% reduction in GH by 2050.

First, a review of the CAC’s Draft Scoping Plan shows the CAC is clear on the urgent need for the state to electrify new buildings starting in 2024. In fact, the CAC states legislation and code provisions should be promulgated “[a]s soon as possible ...”¹ As the Draft Scoping Plan excerpts below illustrate the Council continually states building decarbonization “must accelerate dramatically”² to achieve the legally mandated goals of the Climate Leadership & Community Protection Act (CLCPA).

🏠 “Catalyzing ... electrification of space and water heating in buildings is a pillar of New York’s climate and equity agenda ...”³

🏠 “[T]he speed and scale of action to decarbonize buildings must accelerate dramatically.”⁴

🏠 “The strategies recommended for the buildings sector work to achieve the Climate Act’s energy efficiency goal for 2025, and critically, to spur more rapid and widespread ... electrification in buildings.”⁵

🏠 “This draft Scoping Plan recommends adopting all-electric State codes on an accelerated timeframe ... as an important policy lever”⁶

🏠 “**2024: Adopt all-electric State codes that prohibit gas/oil equipment** for space conditioning, hot water, cooking, and appliances for new construction of single family and low-rise residential buildings (and additions and alterations as applicable).”⁷

🏠 “2027: Adopt all-electric State codes that prohibit gas/oil equipment for space conditioning, hot water, cooking, and appliances for new construction of multifamily buildings over 4 stories and commercial buildings (and additions and alterations as applicable).”⁸

🏠 “Adopt regulations to end on-site emissions: As soon as possible, the State should enact legislation that aligns State Energy Code and Uniform Code with Climate Act requirements ... then advance all-electric code provisions that prohibit gas/oil equipment for space conditioning, hot water, cooking, and appliances.”⁹

Second, we greatly appreciate the Governor’s support for the full implementation of the CLCPA. As she stated on twitter: “Our work is critical because we’re not just the first generation to feel the effects of climate change — we’re also the last generation that can do something to combat it.”¹⁰ Additionally, she stated, “New York is a leader in the climate fight and we’re not slowing down any time soon.”¹¹

Third, it is completely inconsistent with the CLCPA’s provisions for the CAC staff to recommend weakening and postponing the Council’s recommendations on building decarbonization. This policy, embodied in the All-Electric New Buildings Act (S. 6843-C/A. 8431-B), can be implemented today. The Governor appeared to support this policy when she issued her Climate and Sustainability Executive Order on September 22, 2022, which included the goal of “restricting new State facilities that enter design and permitting starting in 2024 from using infrastructure that can be used for the combustion of fossil fuels.”¹² The CAC staff’s plan runs counter to what the Governor seems to be saying.

Fourth, the question must be asked: what has changed since the Council wrote the Draft Scoping Plan stating it was urgent to pass a bill this year to decarbonize all new family and low-rise buildings starting in 2024? It is still technically, administratively and economically feasible to enact this bill into law. Witnesses, including engineers and energy experts, cited exactly this in an exhaustive hearing held by the New York State Assembly in May of 2022.

The CAC staff recommended the following dramatic changes in a PPT presentation to the Council on October 13th. Added language is underlined, and deleted language is struck through. The staff’s PPT Slide recommended these changes to the CAC Draft Scoping Plan recommendation on page 127.

~~“2024 2025: Adopt all-electric State codes that prohibit gas/oil equipment for space conditioning, hot water, cooking, and appliances for new construction of single family and low-rise residential buildings 3 floors and under* (and additions and alterations as applicable).~~

~~2027 2028: Adopt all-electric State codes that prohibit gas/oil equipment for space conditioning, hot water, cooking, and appliances for new construction of multifamily buildings over 4 stories and commercial buildings over 3 floors (and additions and alterations as applicable). ”~~

*NYC’s law defines “low-rise” buildings as buildings 7 floors and under.

We all know that the planet, nation and state have never been so imperiled. The United Nations Intergovernmental Panel on Climate Change (IPCC) 2022 report was a clarion call for immediate action. The news release title stated: “The evidence is clear: the time for action is now.”¹³ The UN Secretary-General António Guterres stated: “Unless action is taken soon, some major cities will be underwater” and there will be “unprecedented heatwaves, terrifying storms, widespread water shortages and the extinction of a million species of plants and animals ... This is not fiction or exaggeration. It is what science tells us will result from our current energy policies. We are on a pathway to global warming of more than double the 1.5-

degree (Celsius, or 2.7-degrees Fahrenheit) limit” that was agreed in Paris in 2015.”¹⁴ The IPCC Chair Hoesung Lee, stated “We are at a crossroads. The decisions we make now can secure a livable future.”¹⁵

Nothing has changed since the UN and CAC member statements were made earlier this year, and nothing has changed since the CAC made their building decarbonization recommendations with a strong sense of urgency (other than the world is closer to catastrophe). Thus, it is incumbent on the Governor and the Council to immediately reject the CAC staff’s flawed recommendations.

We would appreciate the opportunity to hold a meeting with the Governor’s staff, the two Co-Chairs of the CAC; the Department of Environmental Conservation Commissioner and the New York State Energy & Research Authority Director, and any interested CAC members. Please contact Anne Rabe of NYPIRG at arabe@nypirg.org or 518-560-1849 about setting up a meeting at your earliest convenience. Thank you.

Signed by 126 State and Regional Organizations

Statewide Organizations

Alliance for a Green Economy (AGREE)
Association for Energy Affordability
AU Environmental Action Coalition
Church Women United in New York State
Citizen Action of New York
Climate Reality Project NYS Coalition
Concerned Health Professionals of NY
Dandelion Energy
Divest NY
Food & Water Watch (FW&W)
Frack Action
FrackBustersNY
Green Education and Legal Fund (GELF)
GreeningUSA
Mothers Out Front NY
New York Climate Advocacy Project
New York Youth Climate Leaders (NY²CL)
New York Geothermal Energy Organization (NY-GEO)
New York Lawyers for the Public Interest (NYLPI)
New York Public Interest Research Group (NYPIRG)
New York Solar Energy Society
New York State Council of Churches
New Yorkers for Clean Power (NYCP)
N. American Climate, Conservation & Environment (NACCE)
Northeast Organic Farming Association of NY (NOFA-NY)
Peace Action New York State
Peoples Climate Movement NY
SANE Energy Project
Sierra Club Atlantic Chapter
Sisters of Charity Federation
Stop New York Fracked Gas Pipeline

Veterans for Climate Justice
Vote Solar
WE ACT for Environmental Justice
Regional Organizations
350 Brooklyn
350 New York City
AAUW Kingston NY
All Our Energy
Beacon Climate Action Now
Buddhist Action Coalition - Upper Hudson & Berkshires
Burroughs Audubon Nature Club
Campaign for Renewable Energy
CBE Dayenu
Community Concerned About NL Industries
Clean Air Action Network of Glens Falls
Clean Air Coalition of WNY
Climate Change Awareness & Action
Climate Justice Cornell
Climate Reality, Hudson Valley & Catskills
Climate Reality Project, Capital Region
Climate Reality Project, Finger Lakes Greater Region
Climate Reality Project, Long Island
Climate Reality Project, NYC
Climate Reality Project, Westchester Chapter
Climate Reality Project, Western New York
Climate Solutions Accelerator of the Genesee-Finger Lakes Region
Coalition Against the Rockaway Pipeline
Coalition for Outreach, Policy and Education
Committee to Preserve the Finger Lakes
Coalition to Protect New York
Communities for Local Power
Community Advocates for a Sustainable Environment (CASE)
Concerned Residents of Oxford
Drawdown East End
For the Many
Fossil Free Tompkins
Friends of Buttonhook Forest
Gas Free Seneca
Grassroots Environmental Education
Green Ossining
HabitatMap
Haub/Pace Law School
Hotshot Hotwires
Hudson River Sloop Clearwater
Indian Point Safe Energy Coalition
Indivisible Harlem
Indivisible Mohawk Valley Climate Crisis Working Group
Interfaith Climate Justice Community of WNY
Jewish Climate Action Network It's Easy Being Green
Long Island Progressive Coalition (LIPC)
Mothers Out Front Long Island Team

Mothers Out Front NYS Leadership Team
Mothers Out Front Tompkins
Mothers Out Front Westchester Rivertowns
Nassau Hiking & Outdoor Club
New York Climate Action Group
Network for a Sustainable Tomorrow (NEST)
North Country Earth Action
North Shore Audubon Society
NYCD16 Indivisible
NYC 2030 District (c/o Fund for the City of NY)
Occupy Bergen County
Peacework CSA
People for a Healthy Environment
People of Albany United for Safe Energy (PAUSE)
Progressive Schenectady
PUSH Buffalo
Putnam Progressives
Queens Climate Project
RiseUp Social Action Training and Education
Riverside Church NYC Beloved Earth Community
Rivers & Mountains GreenFaith Circle
Roctricity
Safe Energy Rights Group (SEnRG)
Save Buttonhook Forest
Seneca Lake Guardian
Sheridan Hollow Alliance for Renewable Energy (SHARE)
Solarize Albany
Solidarity Committee of Capital District
Sunrise Movement New York City
Sunrise Westchester
Sustainable Finger Lakes
Sustainable Saratoga
Syracuse Cultural Workers
Syracuse Democratic Socialists of America
Syracuse Peace Council
Taitem Engineering
Tompkins County Climate Protection Initiative
United for Action
United For Clean Energy
United Neighbors Concerned About GE Dewey Loeffel
UU Congregation of Binghamton, Green Sanctuary
West Branch Conservation Association
Westchester Alliance for Sustainable Solutions (WASS)
Western New York Environmental Alliance
World Beyond War

¹ Pg. 126, <https://climate.ny.gov/Our-Climate-Act/Draft-Scoping-Plan>

² Ibid. Pg. 123

³ Ibid. Pg. 122

⁴ Ibid. Pg. 123

⁵ Ibid. Pg. 123

⁶ Ibid. Pg. 125

⁷ Ibid. Pg. 127

⁸ Ibid. Pg. 127

⁹ Ibid. Pg. 126

¹⁰ pic.twitter.com/AMyhYNslo7

¹¹ pic.twitter.com/m7gSM6JLTi

¹² [Governor Hochul Issues New Executive Order During Climate Week Announcing Nation-Leading Sustainability Operations | Governor Kathy Hochul \(ny.gov\)](#)

¹³ IPCC News Release, 4/4/2022, <https://www.ipcc.ch/2022/04/04/ipcc-ar6-wgiii-pressrelease/>

¹⁴ UN News, 4/4/2022, <https://news.un.org/en/story/2022/04/1115452>

¹⁵ IPCC Working Group III, Climate Change 2022: Climate Change, 4/4/2022, <https://www.ipcc.ch/report/sixth-assessment-report-workinggroup-3/>