

The County Perspective

Legislative and Budgetary Actions Necessary to Implement the Climate Action Council's Final Scoping Plan

Comments submitted by the
New York State Association of Counties



NYSAC[®]
— NEW YORK STATE —
ASSOCIATION OF COUNTIES

to the

**Senate Standing Committee on Finance,
Senate Standing Committee on Energy and Telecommunications,
& Senate Standing Committee on Environmental Conservation**

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Michael E. Zurlo, President
Stephen J. Acquario, Executive Director

Introduction

On behalf of the 62 counties of the State of New York, thank you for the opportunity to submit written testimony on the legislative and budgetary actions that will be necessary to implement the Climate Action Council's Final Scoping Plan. Since the Climate Act was signed into law in 2019, the New York State Association of Counties (NYSAC) has worked to educate our members about the State's ambitious targets, and we have advocated for more local government input in developing and implementing the Final Scoping Plan. While we were disappointed that the Climate Action Council and its working groups did not include more local government representation, we are encouraged by this hearing and hope it will be the first of many opportunities to provide the Legislature with input on the Scoping Plan's impact on county governments and the resources they will need to support its implementation.

As the Scoping Plan acknowledges, counties are on the frontlines of addressing climate change in their communities. They are reducing the greenhouse gas (GHG) emissions from government operations by converting to green fleets and retrofitting buildings, and they are helping their communities do the same by installing electric vehicle charging stations and creating community greenhouse gas inventories. Counties are also helping the State to reach its renewable energy goals by installing solar arrays on government buildings, launching community solar campaigns, and working with their agricultural communities to strike a balance between the need for food production and renewable energy generation.

County governments can be an invaluable partner to New York State in implementing the Scoping Plan's recommendations. They have a decades-long track record of implementing state and local programs and being good stewards of taxpayer dollars. Counties are also skilled at motivating public and private sector organizations to achieve community goals, and they are uniquely able to marry the State's climate goals with other local priorities. Finally, and critically, as the level of government closest to the people, county governments can help the State to better understand how legislative proposals or regulatory actions will benefit or disproportionately burden their residents, including those in Disadvantaged Communities.

However, counties will not be able to contribute fully to reaching the Climate Act goals without changes to state laws and regulations, financial support, technical assistance, and ongoing forums to provide input. To this end, the comments that follow outline NYSAC's initial recommendations for legislative and budget actions that are necessary for counties to support the State in implementing the Climate Action Council's Final Scoping Plan. Thank you for your consideration of these recommendations and for your ongoing partnership with county governments.

County Recommendations

NYSAC respectfully recommends that state lawmakers take the following legislative and budgetary actions to implement the Land Use, Local Government, and Waste chapters of the Climate Action Council's Final Scoping Plan:

1. Increase Funding for the Municipal ZEV Rebate;
2. Increase Funding for Building Electrification;
3. Invest in Expanding Regional Coordinator Networks;
4. Enact Product Stewardship Legislation;
5. Enact Legislation to Allow Counties to Form Community Choice Aggregation (CCA) Programs;
6. Increase Funding for Countywide Resiliency Planning Grants;
7. Pass Legislation to Expand County Review;
8. Enhance Financial Support for Local Clean Energy Planning;
9. Pass Legislation to Consolidate State Funding Opportunities;
10. Provide Grants for County Facilitation of Intermunicipal Coordination;
11. Increase the State Cost Share for Recycling Grants;
12. Enact Legislation to Reduce Waste;
13. Pass Legislation to Reduce Toxics in Products;
14. Enact Legislation to Add Additional Glass Containers to the Bottle Bill; and
15. Invest in the Development of Local Natural Resource Inventories.

The comments that follow provide additional context and justification for these recommendations.

Increase Funding for the Municipal ZEV Rebate

The Scoping Plan includes a directive for NYSERDA and DEC to support electrification of municipal and school district fleets while increasing fleet-wide fuel economy. Counties will need additional financial assistance to transition to zero-emissions fleets, build out charging infrastructure for public use, and make their buildings more energy efficient. Increasing funding for the Municipal Zero-Emission Vehicle (ZEV) Rebate Program, which provides rebates for electric vehicle purchases and grants for charging infrastructure, will help to accelerate the transition away from gas-powered vehicles. The minimum and maximum grant awards for this program should be increased annually to keep up with the rising cost of goods and services and ensure the rebate is sufficient to make zero-emissions vehicles cost competitive. To this end, in the Fiscal Year (FY) 2024 State Budget, NYSAC recommends increasing the minimum rebate for the Municipal ZEV Rebate Program from \$1,500 to \$2,500 and the maximum rebate from \$7,500 to \$9,500.

Increase Funding for Building Electrification

The Scoping Plan provides that NYSERDA should offer policy guidance and financial support to municipalities that adopt building electrification and energy efficiency policies. To create this incentive for local governments to electrify their buildings and make them more energy efficient, we recommend appropriating funding in the FY 2024 State Budget to support municipal building electrification and energy efficiency upgrades.

Invest in Expanding Regional Coordinator Networks

NYSAC supports the Final Scoping Plan's recommendation for NYSERDA and DEC to expand the regional coordinator network to enhance and strengthen assistance to local governments across a range of climate actions. Expanding the coordinator network is necessary to increase the capacity of counties and municipalities that are experiencing challenges with workforce recruitment and retention as a result of the COVID-19 pandemic and a wave of retirements. We encourage state lawmakers to increase funding for NYSERDA's Clean Energy Communities Regional Coordinators and DEC's Climate Leadership Coordinators in the FY 2024 State Budget to provide local governments with the planning and technical assistance they need to support the State in meeting the Climate Act goals.

Enact Product Stewardship Legislation

Counties support the Final Scoping Plan's recommendation to enact broad extended producer responsibility (EPR) or product stewardship requirements to cover the end-of-life management of post-consumer products and allow the State to ensure their sustainable management. As recommended by the Scoping Plan, the Legislature should pass legislation to create an EPR framework or, alternatively, pass individual legislation to target products with the greatest GHG impact, such as packaging and printed paper, tires, textiles, solar panels, wind turbines, additional consumer battery types (alkaline, electric and hybrid vehicle batteries, etc.), appliances, and mattresses.

The Legislature should also enact legislation to amend the Electronic Equipment Recycling and Reuse Act to improve overall program performance for e-waste by, for example, moving away from a target-based collection approach to a consumer convenience model.

Enact Legislation to Allow Counties to Form Community Choice Aggregation (CCA) Programs

The Final Scoping Plan includes a recommendation for PSC to enable county governments to authorize and form CCA programs with a local opt-out. Currently, county governments can encourage municipalities to form an inter-municipal CCA and provide administrative support, but they are not eligible to create a CCA independent of villages, towns, and cities within the county. Enabling counties to create CCAs will allow for more purchasing power, more affordable rates, and greater renewable energy adoption. For this reason, we urge the Legislature to pass legislation during the 2023 Legislative Session to direct PSC to enable counties to form CCAs.

Increase Funding for Countywide Resiliency Planning Grants

The Final Scoping Plan recommends that DOS expand Countywide Resiliency Planning Grants to incentivize county-wide smart growth comprehensive plans. In 2018, five counties (Albany, Genesee, Orange, Sullivan, and Tompkins) were awarded \$1 million in grants to develop resiliency plans that integrate the principles of Smart Growth and climate resiliency to protect against severe storms and extreme weather events. These plans include a countywide risk assessment, resilience strategies, and accompanying recovery projects and actions. In the FY 2024 State Budget, the Legislature should

increase funding for the Countywide Resiliency Planning Grants to allow all 57 counties and the City of New York to develop resiliency plans.

Pass Legislation to Expand County Review

The Final Scoping Plan calls for DOS to evaluate opportunities through the use and potential expansion of General Municipal Law § 239 County Review to further empower counties to implement shared regional smart growth priorities. While land use zoning falls largely within the authority of municipalities (cities, towns, and villages), counties can play an important role in fostering regional plans, providing a regional lens, and helping municipalities to achieve their smart growth goals. Empowering counties to implement shared regional smart growth priorities will help to achieve broader land-use goals that transcend municipal boundaries, such those having to do with open space preservation, transportation systems, and housing planning. To this end, the Legislature, in collaboration with NYSAC and DOS, should pass legislation during the 2023 Legislative Session to expand GML § 239 County Review.

Enhance Financial Support for Local Clean Energy Planning

The Final Scoping Plan directs NYSEERDA to collaborate with regional planning boards to provide technical and financial support to help local governments plan for and review clean energy projects, including wind, solar, transmission, distribution, storage, and vehicle charging. We urge the Legislature to appropriate funding in the FY 2024 State Budget to help counties plan for clean energy projects in their communities in support of the Climate Act's goals.

Pass Legislation to Consolidate State Funding Opportunities

Many local governments are not aware of all the state programs, grants, and technical assistance available to support local climate action because no single webpage or contact exists to guide them through the maze of resources offered by various agencies and authorities. To help local governments take advantage of all the available opportunities, NYSAC supports the Final Scoping Plan's recommendation for all funding programs to be included in the annual Consolidated Funding Application (CFA), to the extent practicable, and for the State to provide a centralized source of information on all State funding opportunities for municipalities and not-for-profits. The Scoping Plan further recommends that the State provide educational materials and training to local governments and related public entities so that they understand what resources are available to them and are prepared to receive funding. To this end, we recommend the Legislature pass legislation during the 2023 Legislative Session to direct state agencies to include climate funding programs in the annual CFA and create a centralized source of information about grant opportunities and other resources that exist to support local climate action.

Provide Grants for County Facilitation of Intermunicipal Coordination

In recognition of the important role local governments will play in reaching the State's climate goals, the Scoping Plan recommends that NYSEERDA, DEC, and DOS encourage intermunicipal coordination and planning on cross-boundary issues. Counties often play an important role in facilitating this coordination by convening towns, cities, villages, and school districts; developing countywide planning documents; and offering technical

assistance to municipalities in implementing climate actions. To encourage counties to continue taking on this role, NYSAC recommends creating a new grant program in the FY 2024 State Budget to support counties in providing technical assistance to municipalities and bringing them together for the purposes of climate planning. Alternatively, or supplementally, the Climate Smart Communities and Clean Energy Communities programs should be amended to make these actions eligible for grant funding.

Increase the State Cost Share for Recycling Grants

The Scoping Plan calls on the State to seek to increase waste reduction and recycling rates in municipal operations and in the community. One way to do this is to increase funding for the Municipal Waste Reduction and Recycling (MWR&R) Program, which provides grants to local governments for equipment, recycling coordinator salaries, education, outreach, planning projects, and household hazardous waste collection. Currently, the program requires a 50 percent local match, which prevents some localities from taking full advantage of this funding. To allow more local governments to take advantage of state funding for recycling, we urge state lawmakers to reduce the match required for the MWR&R Program from 50 percent to 30 percent in the FY 2024 State Budget.

Enact Legislation to Reduce Waste

In addition to investing in local recycling operations, we must work to reduce the amount of waste generated in New York State and increase demand for recycled products. NYSAC supports the Scoping Plan's recommendations for the State to enact legislation that supports the reduction and eventual elimination of single-use packaged items for use in stores. The Legislature should act on the Scoping Plan's recommendations to enact legislation to require a minimum level of recycled content in certain products and packaging and to incentivize reusable and refillable solutions across the full spectrum of the packaged goods sectors.

However, the Legislature *should not* act on the Scoping Plan's recommendation to establish a disposal disincentive (fee per ton) on all waste generated in New York State, as a back-end fee will not incentivize waste reduction. Charging households a few extra dollars a year for waste disposal will not change their behavior, and it will do nothing to make products more recyclable. Instead, the Legislature should focus on front-end measures like that abovementioned legislation and EPR programs with front-end fees that internalize back-end costs for proper recycling. Front-end fees can be built into product pricing and encourage manufacturers to improve product design to minimize the fee. They also incentivize consumers to make smarter purchasing decisions, thereby achieving the goal of reducing waste.

If the Legislature does move to enact a disposal surcharge, we respectfully request that it exempt local governments. Counties and solid waste authorities set their fees to cover the cost of their programs and have already created fee structures that encourage waste reduction. They are also under immense pressure to keep fees low and not raise fees or taxes on residents. It is unreasonable to expect counties to raise their rates to pay into a

pot that is intended to distribute funds back to them. For this reason, counties respectfully wish to be excluded from any disposal surcharge that is enacted.

Pass Legislation to Reduce Toxics in Products

NYSAC endorses the Scoping Plan's recommendation to enact additional legislation to ban materials and chemicals that may be found in products that are of concern for human health or environmental impacts. One such class of toxic and ubiquitous chemicals are per- and polyfluoroalkyl substances (PFAS), which continue to be widely used in consumer products, such as hamburger wrappers, furniture upholstery, shoes and jackets, and pots and pans, despite the links between PFAS exposure and an increased risk of several serious health effects. To protect human health and reduce local government costs associated with managing PFAS at wastewater treatment plants and landfills, it is imperative that New York State enact legislation to ban PFAS in consumer products and require manufacturers to assist with the implementation of treatment processes on the back end. For this reason, we urge the Legislature to enact legislation to ban PFAS in consumer products and hold polluters accountable during the 2023 Legislative Session.

Enact Legislation to Add Additional Glass Containers to the Bottle Bill

The Scoping Plan calls for the State to enact legislation to implement expanded deposit container programs where feasible and needed. One area where this is needed is glass because it is expensive to transport and contaminates other materials, such as paper, when it breaks. NYSAC supports expanding the Bottle Bill to include additional glass containers, such as wine and liquor bottles, hard cider bottles, and non-alcoholic glass beverage containers. Placing a deposit on these beverage containers would increase glass recycling, lower municipal recycling costs, and reduce contamination in the curbside bin.

However, counties oppose adding additional plastic and aluminum containers to the Bottle Bill, as this would take critical revenue away from local recycling programs.

Adding sports drinks, energy drinks, fruit and vegetable beverages, and ready-to-drink coffees and teas to the Bottle Bill would place an undue burden on municipal recyclers by removing as much as 50 percent of plastic and aluminum containers from the recycling stream. This would result in an additional loss of revenue for solid waste programs at a time when global market changes have already made it difficult for local governments to continue providing these climate friendly programs.

Invest in the Development of Local Natural Resource Inventories

The Final Scoping Plan calls on state agencies, including DEC, DOS, and AGM, to provide funding to further development of natural resource inventories, critical barriers, and other local and regional smart growth planning and decision-making resources that include forestland and farmland. To support local and regional smart growth planning and decision making, we urge state lawmakers to include funding in the FY 2024 State Budget for the development of local natural resource inventories and other planning resources, such as maps to identify the highest value cropland and idle lands for farming.

Conclusion

Thank you for the opportunity to comment on the legislative and budgetary actions that will be necessary to implement the Climate Action Council's Final Scoping Plan. As you move forward with enacting legislation to achieve the State's ambitious climate goals, we respectfully request that counties be provided with additional opportunities to provide input and feedback. As key stakeholders and regional leaders, counties are acutely aware of the needs of their communities and the disproportionate burden that legislation under consideration may place on their residents, including those in Disadvantaged Communities. Counties are also innovators and problem-solvers and can help the State to create and implement efficient and effective strategies for reaching its climate goals. We appreciate your consideration of the abovementioned recommendations and the opportunity for continued partnership.