



MEMORANDUM OF STRONG OPPOSITION

S.6030 (Parker)|A.6039 (Barrett)

Purpose: Relates to the New York state greenhouse gas (GHG) emission accounting system; proposes to change that system.

Statement of Opposition: The New York Climate Reality Chapters Coalition strongly opposes the passage of the ill-conceived and flawed bill S.6030 (Parker)|A.6039 (Barrett) or the inclusion of any part thereof in the SFY2023-2024 budget.

Rationale for Opposition:

The recent rushed introduction of this deeply flawed bill not only seeks to severely weaken New York's climate law, the CLCPA, but is also a sad commentary on the dysfunctional Albany politics rife with special-interest influence, lack of transparency, and secret deals. Moreover, the justification for the bill is full of inaccuracies and misstatements.

Undermines years of work by the Climate Action Council

Changing methane accounting rules in the environmental conservation law will not just undermine New York's climate goals, but has the potential to effectively stop or severely delay the implementation of its landmark climate law, the CLCPA. It would invalidate the integration analyses used to develop the recommendations in the Climate Action Council's (CAC's) scoping plan and would render these recommendations incongruent with CLCPA's targets under the new accounting.

This bill totally undermines the hard work of the CAC whose entire scoping plan is based on the greenhouse gas accounting enshrined in the CLCPA.

Misstates IPCC's position on methane

The IPCC no longer recommends the use of a specific time frame for methane's Global Warming Potential (GWP). It publishes GWP estimates for multiple periods and recommends choosing the most suitable one for the purpose at hand. Contrary to the justification of S.6030|A.6039, here's what AR6 recommends about methane's GWP:

*"Following AR5, this Report does not recommend an emissions metric because the appropriateness of the choice depends on the purposes for which gases or forcing agents are being compared. Emissions metrics can facilitate the comparison of effects of emissions in support of policy goals."*¹

IPCC's sixth assessment report (AR6) also emphasizes the role of Short Lived Climate Forcers (SLFCs), particularly methane, on the warming that can be expected during the next 10-20 years. As the excerpt below states, SLFCs could cause as much warming during the next one to two decade as carbon dioxide, and therefore, it would be foolhardy to let methane off the hook as S.6030|A.6039 seeks to do.

¹ IPCC. *Climate Change 2021: The Physical Science Basis*, Chapter 7, pp 1017.
https://report.ipcc.ch/ar6/wq1/IPCC_AR6_WGI_FullReport.pdf

“Over time scales of 10 to 20 years, the global temperature response to a year’s worth of current emissions of SLCFs is at least as large as that due to a year’s worth of CO2 emissions (high confidence). Sectors producing the largest SLCF-induced warming are those dominated by methane emissions: fossil fuel production and distribution, agriculture and waste management (high confidence).”²

Misstates IRA’s provisions in justification

Contrary to statements in the justification of the bill, the federal Inflation Reduction Act (IRA) does not “adopt” any system for GHG accounting. Eligibility of any project for IRA incentives is not jeopardized just because that project meets the CLCPA’s stricter GHG accounting. It is possible that certain projects eligible for IRA incentives may not be CLCPA compliant due to their high emissions. Accommodating a smattering of such polluting projects is hardly a reason for gutting the state’s landmark climate law when legislative inaction and delays, such as those on enacting an all-electric new construction mandate, are resulting in plenty of IRA incentives being left on the table.

Relies on a misleading cap-and-invest cost comparison

A comparison of how much gasoline and heating costs will rise in response to the current and proposed GHG accounting put out by the Governor’s office is plain misleading on how cap-and-invest will affect NYers’ wallets. A key fact missing from that narrative is that more revenue collection will lead to higher rebates. The actual design of the program, which the administration has control over, has a huge impact on prices and rebates³.

Inappropriately scapegoats the CLCPA for energy costs

Higher costs of cap-and-invest associated with more stringent GHG accounting is another spurious reason being cited to justify this atrocious bill. Instead of trying to lower cap-and-invest costs through malevolent methane math, lawmakers should focus on lowering costs through immediate deep cuts in the state’s emissions. Every day of inaction on lowering the state’s GHG emissions leads to higher future costs of not only cap-and-invest, but also those of gas infrastructure liabilities and stranded assets. For example, passing bills like NY HEAT Act (S.2016|A.4592) and the All-Electric Building Act (S.562A|A.920A) with aggressive implementation timelines that have been shown to be feasible and cost-effective would go a long way in lowering future costs.

Contradicts climate science

The recently released AR6 Synthesis Report⁴ of the United Nations’ Intergovernmental Panel on Climate Change (IPCC) states in no uncertain terms that humanity is perilously close to breaching key climate tipping points and only immediate, sustained, and deep reductions in our greenhouse gas emissions can prevent catastrophic, irreversible collapse of our climate and the related earth systems. Yet, the provisions of this bill will allow for much higher releases of one of the most potent greenhouse gases, methane, which has already caused at least a third of our current warming.

Methane is an SLCF with an average life of 9–12 years⁵ in the atmosphere before it oxidizes into carbon dioxide and water vapor. Stretching the accounting for the climate damage that methane causes during its short life over a period of a century defies science and logic. The speed and ferocity of the worsening of the climate crisis demands our focus on the impact of our actions, such as fresh methane emissions, during the next 10–20 years, not after 100 years. Here is a relevant excerpt from IPCC AR6:

“By comparison expressing methane emissions as CO2 equivalent emissions using GWP-100 overstates the effect of constant methane emissions on global surface temperature by a factor of 3–4 (Lynch et al., 2020, their Figure 5), while

² IPCC. Climate Change 2021: The Physical Science Basis, Chapter 6, pp 821. https://report.ipcc.ch/ar6/wq1/IPCC_AR6_WGI_FullReport.pdf

³ Dissecting New York’s Upcoming Cap-and-Invest Program; <https://www.ccarbon.info/dissecting-new-yorks-upcoming-cap-and-invest-program>

⁴ AR6 Synthesis Report: Climate Change 2023; <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>

⁵ IPCC. Climate Change 2021: The Physical Science Basis, Chapter 6, pp 824. https://report.ipcc.ch/ar6/wq1/IPCC_AR6_WGI_FullReport.pdf

understating the effect of any new methane emission source by a factor of 4–5 over the 20 years following the introduction of the new source (Lynch et al., 2020, their Figure 4).⁶

Places misguided emphasis on compatibility with Federal regulations

One of the states goals of S.6030|A.6039 is to make New York’s methane accounting policy compatible with the policy of the EPA and other federal agencies of using GWP100 for methane. The use of GWP100 for methane by the federal government is regressive, like many other federal policies. Will New York now also seek to make its abortion, immigration, and gun policies compatible with those of the federal government? If not, then why single out climate policy?

Includes misguided support for biomass combustion

Our coalition also opposes provisions in this bill that would discount the CO2 emissions from the combustion of biomass and biofuels. The bill misconstrues such discounting of emissions from biomass combustion as an “internationally accepted best practice” that it is not. In fact, IPCC Guidelines do not automatically consider or assume biomass used for energy as carbon neutral, even in cases where the biomass is thought to be produced sustainably.⁷

Fails to recognize other states’ GHG accounting

NYS is not unique in adopting a 20-year GWP for methane. For example, Maryland’s climate law⁸ passed last year also uses this science-based shorter-term GWP for methane. Here is a relevant excerpt from Maryland’s SB528 of 2022:

“(3) SHALL USE THE GLOBAL WARMING POTENTIAL FOR METHANE OVER A 20–YEAR TIME HORIZON, AS ACCEPTED IN THE MOST RECENT ASSESSMENT OF THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, IN ESTIMATING THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTIONS;”

Overrides the CAC, arbitrarily redefines “Statewide GHG Emissions,” opens RNG import floodgates

The bill arbitrarily changes the definition of “Statewide GHG Emissions” in Section 1. It makes a mockery of three years of work by the CAC by overriding its experts by opening the floodgates to imported renewable natural gas (RNG), which the CAC had rejected based on solid science that synthetically produced RNG has little emissions benefit over fossil methane gas.

Conclusion:

New Yorkers are proud, and rightly so, of our nation-leading climate law, the CLCPA. The law confronts a crisis which the world’s scientists recognize as growing ever more dire. We should be proud of setting ambitious targets, which we can meet, to protect our children and, frankly, ourselves from catastrophic, runaway climate change.

The foundation of the arduously and carefully crafted CLCPA is an accounting system which looks at a GWP on a 20-year timeline. S.6030|A.6039 seeks to move our accounting away from a 20-year timescale to a 100-year timescale, which would water down our understanding of the threat before us. However, moving to this diluted timescale does nothing to reduce the physical, chemical realities occurring in the atmosphere.

S.6030|A.6039 is asking us to “put-on rose-colored glasses” and discard the painstaking work of the Climate Action Council. We are vehemently opposed to capriciously tossing out this foundational accounting and introducing other loopholes to allow increased use of polluting fuels in the state.

Contact: Tim Guinee, Anshul Gupta; corneliusguin@gmail.com, gptnshl@gmail.com

⁶ IPCC. Climate Change 2021: The Physical Science Basis, Chapter 7, pp 1016. https://report.ipcc.ch/ar6/wg1/IPCC_AR6_WGI_FullReport.pdf

⁷ IPCC: Task Force on National Greenhouse Gas Inventories, FAQs (Q 2-10); <https://www.ipcc-nggip.iges.or.jp/faq/faq.html>

⁸ Senate Bill 528: Climate Solutions Now Act of 2022; https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_38_sb0528e.pdf