

## New York State Background Brief

### Policy Overview

New York has two ambitious climate advocacy coalitions: NY Renews, which spearheaded the Climate Leadership and Community Protection Act, and Climate Jobs NY, a coalition of labor unions engaged in climate policy.

### Climate Leadership and Community Protection Act

In 2019, NY Governor Andrew Cuomo signed into law the groundbreaking *Climate Leadership and Community Protection Act*, (CLCPA) which set the state on the most ambitious path to carbon neutrality. The CLCPA sets targets of 100 percent net carbon neutral, economy wide, by 2050, 70 renewable electricity by 2030, and 100 percent carbon free electricity by 2040. The CLCPA also requires 40 percent of clean energy funds to be invested in disadvantaged communities.

The Act also sets up two bodies: the Climate Action Council (CAC) and a permanent Environmental Justice Advisory Board. The CAC will come up with a scoping plan for reducing emissions within two years and then revisit the plan every five years thereafter. The Environmental Justice Advisory Board (EJAB) will develop a model environmental justice policy for state agencies by the end of 2020. Once the policy is adopted by the state, each agency will have six months to come up with its own policy. In the absence of developing its own policy, the agency will have to comply with the Advisory Board policy. The EJAB was established in a separate law and the adoption of the CLCPA hinged on the EJAB being established (Ramirez 2020). The CLCPA and the strong environmental justice provisions are the work of the coalition NY Renews.

### Climate Jobs NY

A parallel effort to CLCPA is Climate Jobs NY, (CJNY) a labor-led advocacy effort to implement a strong job creation platform and also substantially reduce greenhouse gas emissions. While NY Renews is a broad coalition, CJNY is a coalition of labor unions.

Climate Jobs NY grew out of the report *Reversing Inequality Combating Climate Change: A Climate Jobs Program for New York State* from the Worker Institute at Cornell University (Cha and Skinner 2017). The report set out a set of specific policy recommendations in the buildings, energy, and transportation sectors. The report was released in June 2016 and Climate Jobs NY is the advocacy effort that arose to push for the report's policy recommendations.

The first policy victory was the Clean Climate Careers Initiative, through which Gov. Cuomo, in partnership with the Worker Institute, pledged to create 40,000 climate jobs in June 2017 (Office of Gov. Cuomo 2017). This was followed by another announcement in March 2018 of the single largest state commitment to renewable energy through a \$1.4 Billion investment in 26 large-scale renewable energy projects across New York, all of which will require contractors to pay prevailing wages, which is determined by the state and higher than the minimum wage (Office of

Gov. Cuomo 2018a). Gov. Cuomo also announced a total of 2.4 GW of offshore wind by 2030, with a requirement for prevailing wage and a Project Labor Agreement, which ensures labor standards in the renewable energy development (Office of Gov. Cuomo 2018b).

NY Renews is developing Just Transition legislation paid for by a carbon pollution fee (NY Renews N.D.). The revenue from the fee would be invested in grant funding for disadvantaged communities, supporting workers and communities impacted by transition away from coal, oil, and gas, and energy rebates for low-income New Yorkers. CJNY calls for establishing a Just Transition Task Force to identify how to support workers and communities negatively impacted by the transition as well as examining the job and training quality standards that will ensure that jobs created in the new, low-carbon economy are good, high-road jobs (Cha and Skinner 2017).

### Just Transition and the Huntley Coal-fired Power Plant

Just Transition was at the center of the Huntley Coalition in Tonawanda, a working-class suburb outside of Buffalo, New York. As the price of natural gas decreased and the production costs of coal increased with little profit, the production at the Huntley Coal Plant declined, as did the number workers at the plant, and revenue going to the community (Richard Lipsitz and Newberry 2016). In turn, there were significant cuts to the town's budget and to school funding. This continued for several years until the plant's closure in 2015. By then, labor and environmental community organizers and unions were seeing the consequences of revenue loss and came together to strategize a plan—an economic transition—to help workers and the town in case of a future shutdown. When the closure did happen, the Huntley Coalition had a plan and major successes in securing state gap funding (\$30 million) to support Tonawanda and other communities going through similar transitions (one of the firsts of its kind in the country), and federal funds through the Partnerships for Opportunity and Workforce and Economic Revitalization (POWER+ Plan) program. The state later increased its funding to \$45 million in 2017 (McGowan 2017).

Further in 2017, the Town of Tonawanda in conjunction with county officials, activist groups, labor, and neighboring centers and institutes published *Growing the Town's Economic Future*, an economic action guide. This committee helped ensure that the plan was representative of community needs (Cha et al. 2019).

### Changing States Overview

#### *Climate Vulnerability*

Some of the New York climate vulnerabilities include increases in heat, drought, wildfires, and flooding. For instance, NOAA projections show rising sea levels and flooding for some of the coastal areas of New York City and its boroughs. (NOAA 2014). However, other regions of the state are affected by other climate challenges, such as warming temperatures and agricultural changes (NYS DEC n.d.)

Community organizations particularly highlight the impact of climate change, and more broadly environmental pollution, on low-income and communities of color (Daly and Mulgaonkar 2019). Extreme heat is one of the greatest risks for individuals as it is the leading causes of death in terms of weather-related phenomena and is expected to worsen with climate change (EPA and CDC 2016; New York State Energy Research and Development Authority 2017). Given the structure, density, and landscape of New York City, this is a risk for city residents. In fact, in summer of 2013, the most deaths were reported during an extreme heat event (Walters, Lane, and Murphy 2014). However, not all residents are equally at risk. For example, Latinos are about two-thirds of residents in South Bronx—a neighborhood that ranks as one of the most heat vulnerable neighborhoods, according to the Heat Vulnerability Index (HVI), in the city next to Northern Manhattan and Central Brooklyn (New York City Mayor’s Office of Recovery and Resiliency 2017). Moreover, the twelve neighborhoods with the highest HVI scores are predominantly people of color, have lower median household incomes than the New York City \$60,879 median.<sup>1</sup>

Climate change does not only impact the physical health and safety of New Yorkers but also their economic prospects. Because the largest pollutants in New York State originate from commercial and residential buildings (accounting for almost half of all emissions), the transportation sector, and the energy arena, researchers call for equitable green-friendly and family-sustaining jobs as a first step for a just transition (Cha and Skinner 2017). Ensuring that fossil fuel communities, especially low-income communities, benefit from job creation are also important to highlight for policy reasons given that if left unaddressed, these communities may be left without a viable revenue base, further driving inequality (Cha 2017).

Similarly, there is concern about job quality and protecting workers as union membership has decreased even as union members generally have higher wages and benefits than do nonmembers (Cha 2017). Data from California shows uneven returns in the solar industry in wages and benefits depending on the type of project and the job position held, with rooftop installers receiving the least return, and cases in New York also call attention to how the rescinding of these industries impact local economies (Jones and Zabin 2015). Importantly, high-emission industries (e.g., coal, mining, and oil) have higher unionization rates compared to low-carbon, renewable sectors (Cha and Skinner 2017). For these reasons, scholars and activists alike call for the public sector to take the lead in the clean energy transition. Specifically, with Governor Cuomo’s 2017 initiatives (e.g., Clean Climate Careers), a concern is that not sufficient funding is being invested in a just transition for workers (Nonko 2017).

Although there are diverse climate concerns and challenges across the state, much of the work on just transition focuses on New York City, where 42.18 percent of the state population lives.<sup>2</sup>

## Conditions for Change

### *Economic*

When looking across all industries, the number of establishments and employment levels have increased despite stalls during the Great Recession (GR).<sup>3</sup> Annual average wages in 2018 are

close to reaching pre-recession levels at \$74,000 and total wages have also continued to increase. The fossil fuel (FF) industries' share of all industries decreased from 1.06 percent to 0.85 percent in 2018 as did employment. The largest drop in the employment share happened during the GR when the percentage went from 0.95 percent to about 0.65 percent in 2010; since, the percent has continued to steadily decrease to 0.55 percent in 2018.

Compared to all the industries, wages in FF are substantially higher. The average annual pay peaked in 2012 at \$100,000 and decreased to approximately \$90,000 in 2015 and remained there. The average annual pay, during this same time period, has been between \$78,000 and \$100,000. Conversely, the range is much narrower for non-FF that has hovered between \$65,000 and \$75,000. Nonetheless, the FF industries' share of all industries total wages has decreased from an all-time high just above 1 percent to just below 0.40 percent in 2018. Only in two sectors is annual pay growing: FF electric power generation sector and gasoline stations (above past levels). Although this is true in the FF electric power generation sector, the employment level has also decreased largely from around 30,000 in 2001 to 1,890 in 2018. Annual pay in the Gasoline station sector reached a peak in 2018 at \$24,359; employment levels are also increasing in this sector.

New York has been highly impacted by COVID-19—becoming the epicenter of the virus in the U.S. with above 10,000 deaths. It is estimated that about 1.2 million New Yorkers lost jobs during this time period, accompanying this is a record number of unemployment claims (Parrott and Moe 2020). It is projected that New York City's unemployment rate could hover around 20-30 percent. Although all New Yorkers have been impacted at this time, the pandemic has exacerbated inequality and unevenly impacted people of color and immigrant communities.

In line with business closures and job loss during the pandemic, \$7.4 billion of tax revenues is projected to be lost through June 2021 in NYC alone. And there is much fear in terms of when the economy will bounce back since the city is reliant on tourism. Experts estimate that this will take years and NYC's mayor has already made budget cutbacks (Goodman 2020).

This suggests that major adjustments will be made, and this will likely affect climate change and just transition policies and programs.

### *Demographics*

Overall, New York has, in general, become less white and more Asian and Latino from the 1980s forward. From 1980 to 2017, there has been a steady but small decline in the share of the white population across decades (5-6% in the 1980s, 1990s, and from 2000-2017), an increase in the Black population (especially in the 1980s, 12 % decrease; 9% in the 1990s; and a marginal increase from 2000 on), and the Latino population (~30% in each decade from 1980 to 2000, and from 2000 to 2017). The Asian/Pacific Islander population has increased 120 percent in the 1980s, 56 percent in the 1990s, and 58 percent after 2000. In 2020, 54 percent of the state population is white, 14 percent is Black, 20 percent Latino, 9 percent Asian/Pacific Islander, and 2 percent Other. Hence, from 1980 to 2017, there has been an increase in the share of people of color (POC) in the state. Similar to the trends outlined above, the percentage of POC youth and seniors in New York exceed US percentages, respectively.

In looking at immigration, a larger share of the New York population is foreign-born (23%) compared to the U.S. (13%). In terms of inequality, there is greater income equality in the New York compared to the US. The share of the population classified as lower-class increased from 1980 to 2017 from 30 percent to 39 percent meanwhile the middle and upper classes decreased from 40 percent to 36 percent and 30 percent to 25 percent, respectively.

### *Politics*

New York has a Democratic governor and legislature (as of 2020) and is generally a Democratic stronghold. Major cities throughout the state (i.e., Buffalo, Rochester, Syracuse, Albany, and NYC) and their surrounding suburbs tend to vote Democratic in presidential elections. In the 2020 presidential election, Manhattan, the Bronx, Brooklyn, and Queens voted most heavily of other state counties for Biden (Dobkin 2020). New York has an Upstate/Downstate divide with upstate New York being more politically conservative than downstate.

### Areas for Change

#### *Legislative*

In 2019, New York followed other states in passing its own climate bill, the Climate Leadership Act. The original bill was drafted in 2016 as the Climate and Community Protection Act (CCPA) which grew out of the 2014 People's Climate March (Cohen 2019). In the interim years, and even with a majority of Democrats in the assembly (but not the Senate), the bill always fell short of passing. Influential in its defeat was a group of eight Democrats that caucused with Republicans known as the Independent Democratic Conference (IDC). Although the group joined Democrats in early 2018, six out of the eight representatives lost reelection to progressive Democrats later that year (Kirby 2018). In the 2018 election, Democrats gained full legislative and executive control (the second time since WWII) (Rubinstein 2019). From the perspective of some observers, a gubernatorial challenge by Cynthia Nixon, and the Trump administration ultimately put the pressure on Cuomo to pass a climate bill (Cohen 2019; French 2019a).

On the last day of the 2019 legislative session and after much negotiations, the Climate Leadership Act (Cuomo's climate bill) passed both houses. Unlike the Climate and Community Protection Act, several changes were made including changing carbon standards from zero to net zero across all the economy by 2050 (Cohen 2019). Another change was that the original bill asked that 40 percent of all state investments go back to "disadvantaged communities" but this was altered to at least 33 percent. There are some lingering questions such as how exactly a disadvantaged community will be defined since this has implications for where monies will go. A major shortcoming of the bill was job quality protections that were cut out. At the time, a separate bill focusing on job standards and wage requirements was being worked out simultaneously and was going to cover not only clean energy jobs but was going to apply to all government programs statewide, but it did not end up passing (Roberts 2019). Although activists did not get all that they hoped for with the passage of CLCPA, the legislation is the most ambitious climate protection legislation in the country.

At the city level, in April 2019, the New York City Council passed the Climate Mobilization Act which included several measures to reduce greenhouse gas emissions, especially targeting emissions produced by large commercial and residential buildings (Local Law 97) (Bergland 2019; Hosfelt 2019). This legislation was passed to put in motion the City's Paris Agreement commitment and outlined building requirements for most 25,000+ sq. ft. buildings in order to improve energy efficiency and transition to clean energy use. There are other examples across the state at the city and county levels to mitigate climate change, but the plans and programs are not focused on just transition (Moule 2020; Watson 2019).

### *Judicial*

In 2018, U.S. District Judge John Keenan (in Manhattan) dismissed a lawsuit brought by New York City against major oil companies related to fossil fuel emissions and their contribution to climate change linked to the city (Pierson 2018). Most recently, in late 2019, in a 'securities fraud case, not a climate change case' per se, the New York Attorney General's office brought a lawsuit against ExxonMobil over whether they accurately portrayed climate change costs in its figures shared to investors (Wamsley 2019). This case was also ultimately dismissed.

### *Administrative*

The NYC Mayor's Office of Resiliency (MOR) originated in 2014 after Hurricane Sandy hit NYC in October 2012 (U.S. Department of Energy 2018). The MOR works alongside scientific, architecture, and policy experts that are part of the New York City Panel on Climate Change (NPCC) to prepare and build a strong NYC through vetting programs and initiatives with data on climate change.<sup>4</sup> Panel members are appointed by the mayor's office and candidates include experts from a variety of academic fields.<sup>5</sup> The MOR manages OneNYC which outlines NYC's government strategies to respond to climate change and ensures that earlier climate change-related \$19 billion investments are fair and equitable. The investments and programs are mostly focused on structural changes like elevating utilities on building and green infrastructure (e.g., planting trees) (Cho 2019).

At the state level, the New York State Energy Research and Development Authority (NYSERDA), a public benefit corporation, meaning that the organization generates profits but has a public orientated mission, targets energy efficiency and provides resources for businesses, governments, and homeowners.

The Climate Action Council is a 22-member group appointed by the Governor and other state officials was implemented as part of the 2019 climate bill. The council is charged with creating a plan to reduce emissions in all sectors of the economy that will be updated every several years. These recommendations are then going to guide state agency decision making. The Climate Justice Working Group was also created as part of the CLCPA. It will advise the Climate Action Council, as will the NY State Department of Environment Conservation, in defining disadvantaged communities using environmental, public health, and socioeconomic measures (Morris and Farmer 2019; New York State Assembly 2019).

Gov. Cuomo created the Clean Climate Careers Initiative to create 40,000 climate jobs and up to \$1.5 billion investment.

### *Corporate*

Before the passage of NYC's Climate Mobilization Act (i.e., New York City's Green New Deal), the Real Estate Board of New York—a powerful lobbying group representing developers and property owners—pushed back on the climate act stating that it unfairly placed greater burdens on larger owning property owners meanwhile smaller building owners get a pass (Kaufman 2019). The real estate industry has a history of fighting building-efficiency type of bills and in influencing New York politics more broadly (Rubinstein 2019).

Regarding the state Climate Leadership Act, the Business Council of New York State with the support of 15 fossil fuel companies and trade groups (including the American Petroleum Institute and the manufacturing sector) sent a letter to legislators expressing disagreement with the bill on the grounds that it was going to drive business and workers out of the state (Raina Lipsitz 2019). The collaboration of the fossil fuel industry forming cross-industry coalitions is a new strategy that it is using in getting involved in local politics and pushing back on climate change policies across the nation (Meyer 2020).

### *Communications and Culture*

New York State and City are touted for their leadership on climate change policies and work. When the Trump administration pulled out of the Paris Agreement, New York City was the first city to pledge to meet the outlined requirements (EO 26) (Shenette 2017; City of New York 2017). In 2017, a day after President Trump announced plans for the U.S. to leave the agreement, with Washington State and California State governors, New York helped found the U.S. Climate Alliance in efforts to meet such requirements—currently 24 states are part of the national coalition (Aloe 2017; Raina Lipsitz 2019). On an international scale, New York State is also part of The Climate Group's States & Regions Policy Innovation program via the Adaptation Peer Forum which is led by the Government of South Australia with diverse members. The Forum is a dynamic group that not only helps strengthen and build relationships across members but also shares, evaluates, and adapts information on the innovative climate change policies and programs of its respective members (The Climate Group 2016).

Across the state, another initiative that the state has is the Climate Smart Communities (CSC) Certification Program. It was developed in 2009 to help local level communities work towards mitigating climate change by implementing adaptation plans.<sup>6</sup> Additionally, in showing further commitment to doing their part, both New York City and State government officials have announced they will divest pension funds from fossil fuel industries (Navedo-Perez 2020; Holder 2018). Participation in climate groups and implementation of climate change policies has rightfully put New York as a leader in climate change. In terms of just transition, a foundation is being laid for one with increasing attention on job standards and quality and communities historically impacted by pollution but has a long road ahead. Leading the way, are community and on the ground organizations and coalitions.

## Capacities for Change

New York has a broad network of alliances and organizations focused on climate change and just transition work. One organization at the center of these movements is NY Renews, which advanced the Climate and Community Protection Act (French 2019b). The NY Renews coalition is comprised of over 100 organizations across the state. Seventeen organizations in the state make up the steering committee, including UPROSE, PUSH Buffalo, NYC Environmental Justice Alliance, and ALIGN.

Another integral coalition doing just transition work is Climate Jobs New York (CJNY) a labor-led effort composed of unions that collectively represent approximately 2.6 million workers in New York's economy and bridges a wide array of sectors including building and energy sector unions. Among their members are fossil fuel workers, so a key priority for CJNY is protecting these workers during the transition to a low-carbon economy and ensuring that these workers are not left behind.<sup>7</sup>

These groups and others across the state continue to push the focus on climate change and just transition.



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<sup>1</sup> Income and Taxes, New York City (NYC) Median Household Income 2017 Estimates.

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<sup>2</sup> Table 2: Population, Land Area, and Population Density by County, New York State – 2010, New York State Department of Health, [https://www.health.ny.gov/statistics/vital\\_statistics/2010/table02.htm](https://www.health.ny.gov/statistics/vital_statistics/2010/table02.htm), Accessed 10 April 2020.

<sup>3</sup> Unless otherwise stated, all analysis related to industry data was sourced from the U.S. Bureau of Labor Statistics (BLS) Quarterly Census of Employment and Wages (QCEW). All analysis related to demographic and economic data is USC ERI analysis of: IPUMS USA; U.S. Census Bureau; Woods & Poole Economics, Inc; GeoLytics, Inc; U.S. Bureau of Economic Analysis; U.S. Bureau of Labor Statistics; and U.S. EPA National Air Toxics Assessment.

<sup>4</sup> About, NYC Mayor’s Office of Resiliency, <https://www1.nyc.gov/site/orr/about/about.page>, Accessed 15 April 2020.

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