

November 30, 2010

## New York State Releases Draft Climate Action Plan for Public Comment

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**New York State recently released the draft New York State Climate Action Plan, which proposes a goal of an 80% reduction (below 1990 levels) of greenhouse gases by 2050.**

The draft Plan is the product of the Climate Action Council, a body established by Governor David Paterson in 2009 and comprising representatives from several state agencies and assisted by various advisory panels, for the purpose of inventorying greenhouse gas emission sources in New York State and assessing short and long-term actions to reduce such emissions.

Perhaps the most critical aspect of the draft Plan is the proposed list of policies and strategies, which the Council identifies as preferred options to achieve reductions in greenhouse gas emissions from various sectors. For instance, for the Building and Industry Sector, the Council recommends enhanced performance-based building codes and appliance standards and consumer incentives for efficiency and renewable energy. Likewise, for the Transportation and Land Use Sector, it suggests: continued development of a regional low-carbon fuel standard, more aggressive efficiency and carbon dioxide vehicle standards, and incentives/disincentives for light- and heavy-duty vehicles.

Emissions from the Energy Sector could be achieved through a “more aggressive renewable portfolio standard”; greenhouse gas emission standards for new power plants; repowering of existing fossil fuel plants; and improvements to the energy transmission, delivery, and storage. Finally, the draft Plan recommends reductions to the Agriculture, Forestry, and Waste Sector via improved land management, production of biomass feedstocks, on-farm renewable energy and energy efficiency, encouraging locally produced food, and reducing waste.

The purpose of the draft Plan is to solicit public comment—until February 7, 2011 - on the Plan’s findings and recommendations. The Council will then consider the comments received, modify the Plan as necessary, and finalize it by the end of 2011. Thereafter the Council is authorized to “adjust” the final Plan based on new data and technological advances.

While there are a number of regulatory and statutory actions that the State can undertake to begin implementing the final Plan, such as performance-based building codes and changes to the renewable portfolio standard, there are several other actions that will require federal authorization or legislative amendments, which we may begin to see in 2011 and 2012, perhaps including a proposed regional low-carbon fuel standard. Of course, Governor-elect Andrew Cuomo may seek to put his own imprimatur on the final Plan. However, his

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campaign policy documents strongly suggest that he supports substantial greenhouse gas emission reductions, and the wide speculation is that he will endorse much of the draft Plan's recommendations.

The draft Plan can be accessed by clicking [here](#). If you believe any of the strategies or policy options briefly discussed herein may impact your operations or provide you with opportunities, we encourage you to review the document and to share your thoughts by the public comment deadline or feel free to contact your Manatt Environmental and Energy lawyer so that we may be of assistance.

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