Climate Action Council Member Raya Salter Statement on NY Governor Hochul’s Announcement of a “Cap and Invest” Program to Reduce Emissions in the State

“I am cautiously optimistic about the Governor’s announcement of a “cap and invest” program to reduce emissions as recommended by the Climate Action Council Scoping Plan last month. The cap and invest program, as detailed in the Scoping Plan, promises to address environmental justice concerns.

The devil, however, will be in the details - no cap and invest scheme can be effective without simultaneous action to close the polluting fossil fuel plants that are hurting frontline communities the most. I look forward to working with advocates and state officials to see the implementation of a just cap and invest plan that is shown to address environmental justice concerns.

I and other environmental justice advocates have long been wary of cap and trade programs, like California’s carbon markets and the Regional Greenhouse Gas Initiative, which are shown to be both ineffective and inequitably burden frontline communities. This is because such schemes allow polluting facilities, which are more likely to be located in frontline communities, to purchase allowances and offsets to evade caps and essentially pay to pollute.

The Scoping Plan’s version promises to address environmental justice concerns by putting limits on allowances for polluters co-located in disadvantaged communities and using source specific caps to drive down emissions in those communities. The Scoping Plan also urges the state not to allow a role for offsets, which enable pollution to continue where it harms frontline communities the most. These program designs could create a carbon cap that, as required by state law, prioritizes emissions reductions in disadvantaged communities.

The simple truth, however, is that state law already requires that we reach 100 percent zero emissions electricity by 2040 and net zero emissions economy wide by 2050. The state must use its existing authority now to set emissions limits and close the polluting facilities that are hurting frontline communities. The Scoping Plan lays out a framework for regulators to do just that by closing the most polluting fossil fuel plants in New York City.

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Cap and invest won’t equitably reduce emissions until we can see the simultaneous closure of polluting fossil fuel facilities and a move away from the combustion of fossil fuels. Any plan that places a disproportionate burden onto disadvantaged communities will not be compliant with our Climate Act. We need funds to implement the climate law, but not at the expense of public health. I look forward to working with advocates and state officials to create a just cap and invest plan if and when it can be shown to overcome design flaws and address environmental justice concerns.”

**Raya Salter, Member, NYS Climate Action Council and Founder, Energy Justice Law & Policy Center** is an energy and climate justice attorney, activist, grassroots organizer and Founder and Executive Director of the Energy Justice Law and Policy Center, the first public interest law and policy center in the US dedicated to Energy Justice. She is an adjunct professor at Cardozo law school, is widely published on matters of energy regulation and is the editor of "Energy Justice" (2018). She was appointed to the Council by Senate Majority Leader Andrea Stewart-Cousins. Raya’s bio is linked here.

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