

# STATE OF NEW YORK

4003--A

2019-2020 Regular Sessions

## IN SENATE

February 25, 2019

Introduced by Sens. PARKER, ADDABBO, BAILEY, BIAGGI, BRESLIN, BROOKS, CARLUCCI, COMRIE, GAUGHRAN, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, KAMINSKY, KAPLAN, KENNEDY, KRUEGER, LIU, MARTINEZ, MAY, MAYER, METZGER, MONTGOMERY, PERSAUD, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the "low carbon fuel standard of 2019"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act may be known and may be cited as the  
2 "low carbon fuel standard of 2019".

3 § 2. The environmental conservation law is amended by adding a new  
4 section 19-0329 to read as follows:

5 § 19-0329. Low carbon fuel standard.

6 (1) A low carbon fuel standard is hereby established. The low carbon  
7 fuel standard is intended to reduce carbon intensity from the on-road  
8 transportation sector by twenty percent by two thousand thirty, with  
9 further reductions to be implemented based upon advances in technology  
10 as determined by the commissioner.

11 (2) The low carbon fuel standard shall apply to all providers of  
12 transportation fuels in New York, shall be measured on a full fuels  
13 lifecycle basis and may be met through market-based methods by which  
14 providers exceeding the performance required by a low carbon fuel stand-  
15 ard shall receive credits that may be applied to future obligations or  
16 traded to providers not meeting the low carbon fuel standard. For  
17 purposes of this section the term "providers" shall include, but shall  
18 not be limited to, all refiners, blenders, producers or importers of  
19 transportation fuels, "carbon intensity" means the quantity of lifecycle

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 greenhouse gas emissions per unit of fuel energy, and "full fuels life-  
2 cycle" means the aggregate of greenhouse gas emissions, including direct  
3 emissions and significant indirect emissions, such as significant emis-  
4 sions from land use changes as determined by the commissioner. The full  
5 fuels lifecycle includes all stages of fuel and feedstock production and  
6 distribution, from feedstock generation or extraction through the  
7 distribution and delivery and use of the finished fuel by the ultimate  
8 consumer. In calculating full fuels lifecycle greenhouse gas emissions,  
9 the mass values for all non-carbon-dioxide greenhouse gases must be  
10 adjusted to account for their relative global warming potentials. This  
11 conversion shall use the most appropriate conversion relative to global  
12 warming potentials as determined by the commissioner.

13 (3) Within twenty-four months following adoption of the low carbon  
14 fuel standard, the commissioner, in consultation with the New York state  
15 energy research and development authority, shall promulgate regulations  
16 establishing a low carbon fuel standard with performance objectives to  
17 implement subdivision one of this section. Such regulations may be  
18 phased into effect giving priority to the heavy-duty transportation  
19 sector consisting of vehicles with the classification of six or higher  
20 as classified by the Federal Highway Administration. The low carbon fuel  
21 standard shall take into consideration the low carbon fuel standard  
22 adopted in California and other states, may rely upon the carbon inten-  
23 sity of values established for transportation fuels in such states and  
24 shall include coordination with other Northeastern states to promote  
25 regional reductions in greenhouse gas emissions.

26 (4) The regulations adopted pursuant to this section shall include  
27 fees for the registration of providers to offset the costs associated  
28 with implementation of the low carbon fuel standard.

29 (5) Within twenty-four months following the adoption of regulations  
30 implementing a low carbon fuel standard, the commissioner shall report  
31 to the legislature regarding the implementation of the program, the  
32 reductions in greenhouse gas emissions that have been achieved through  
33 the low carbon fuel standard and targets for future reductions in green-  
34 house gas emissions from the transportation sector.

35 (6) Nothing in this section shall preclude the department from enact-  
36 ing or maintaining other programs to reduce greenhouse gas emissions  
37 from the transportation sector.

38 § 3. This act shall take effect immediately.