

STATE OF NEW YORK

2835

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to declaring a climate emergency and placing a ban on new fossil fuel infrastructure

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 1-0103 to read as follows:

3 § 1-0103. Climate emergency declaration and policy.

4 1. The legislature finds and declares the following:

5 (a) A climate emergency exists that threatens the state of New York,
6 the nation, and the world;

7 (b) Irrevocable damage to the environment has been caused by global
8 warming of approximately one degree celsius demonstrating that the earth
9 is already too hot for safety and justice, as attested by increased and
10 intensifying wildfires, floods, rising seas, diseases, droughts, and
11 extreme weather;

12 (c) On April twenty-second, two thousand sixteen, world leaders from
13 one hundred seventy-four countries and the European Union recognized the
14 threat of climate change and the urgent need to combat it by signing the
15 Paris Agreement, agreeing to keep warming well below two degrees celsius
16 above pre-industrial levels and to pursue efforts to limit the temper-
17 ature increase to one and one-half degrees fahrenheit;

18 (d) On October eighth, two thousand eighteen, the United Nations
19 International Panel on Climate Change ("IPCC") released a special
20 report, which projected that limiting warming to the one and one-half
21 degrees celsius target this century will require an unprecedented trans-
22 formation of every sector of the global economy over the next twelve
23 years;

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

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1 (e) On November twenty-third, two thousand eighteen, the United States
2 Fourth National Climate Assessment ("NCA4") was released and details the
3 massive threat that climate change poses to the American economy, our
4 environment and climate stability, and underscores the need for immedi-
5 ate climate emergency action at all levels of government;

6 (f) According to the National Aeronautics and Space Administration's
7 (NASA) Goddard Institute for Space Studies (GISS), global temperatures
8 in two thousand eighteen were eighty-three one-hundredths degrees celsi-
9 us (one and one-half degrees fahrenheit) warmer than the nineteen
10 hundred fifty-one to nineteen hundred eighty mean, and the past five
11 years are collectively the warmest in modern history;

12 (g) World Wildlife Fund's 2018 Living Planet report finds that there
13 has been a sixty per centum decline in global wildlife populations
14 between nineteen hundred seventy and two thousand fourteen, with causes
15 including overfishing, pollution and climate change;

16 (h) According to the intergovernmental science-policy platform on
17 biodiversity and ecosystem services, human activity has already severely
18 altered forty per centum of the marine environment, fifty per centum of
19 inland waterways, and seventy-five per centum of the planet's land, and
20 it is projected that five hundred thousand to one million species are
21 threatened with extinction, many within the next few decades;

22 (i) Globally, eighteen of the nineteen hottest years on record have
23 occurred since two thousand one;

24 (j) The state of New York is particularly vulnerable to the effects of
25 climate change and has already been subjected to devastating disasters
26 caused by global warming, including increasing superstorms and severe
27 flooding;

28 (k) Marginalized populations in the state of New York and worldwide,
29 including people of color, immigrants, indigenous communities, low-in-
30 come individuals, people with disabilities, and the unhoused are already
31 disproportionately affected by climate change, and will continue to bear
32 an excess burden as temperatures increase, oceans rise, and disasters
33 worsen;

34 (l) Restoring a safe and stable climate and reversing biodiversity
35 loss requires an emergency mobilization on a scale not seen since World
36 War II to attain zero greenhouse gas emissions across all sectors at
37 wartime speed, to rapidly and safely draw down or remove all excess
38 carbon from the atmosphere, and to implement measures to protect all
39 people and species from the consequences of abrupt climate change and
40 ecological destruction;

41 (m) Building a society that is resilient to the current, expected, and
42 potential effects of climate change will protect health, lives, environ-
43 ments, and economies. Resilience is best achieved by preparing for the
44 most dramatic potential consequences of climate change; and

45 (n) Justice demands climate policy that addresses the specific experi-
46 ences, vulnerabilities, and needs of the marginalized communities most
47 affected by the effects of climate change, and includes those communi-
48 ties in climate and ecological resilience planning, policy and actions.

49 2. It is hereby declared to be the policy of the state of New York to
50 restore an optimal safe climate and to provide maximum protection from
51 climate change to all people and species, globally, including the most
52 vulnerable.

53 3. It is the intent of the legislature that the state do all of the
54 following in furtherance of such policy:

55 (a) Convert the economy to net zero greenhouse gas emissions as quick-
56 ly as possible.

1 (b) Immediately initiate a multigenerational effort to draw down
2 greenhouse gases already in the atmosphere in as short a time as possi-
3 ble, and develop research in support of this goal.

4 (c) Immediately initiate a massive effort to restore ecosystems.

5 (d) Respond to the climate emergency based on a just transition frame-
6 work that focuses on equity, self-determination, culture, tradition,
7 democracy, and the fundamental human right of all people to clean, heal-
8 thy, and adequate air, water, land, food, education, and shelter.

9 (e) Engage the public in climate-emergency-related deliberations so
10 that citizens can see their influence on the policy and resource deci-
11 sions that impact their daily lives and their future.

12 (f) Encourage nongovernment actors to contribute to the development
13 and implementation of solutions.

14 (g) A sweeping overhaul of the economy that centers on equity and
15 justice in its solutions is vital to our future and must include the
16 following goals: dramatically expand existing renewable power sources
17 and deploy new production capacity with the goal of meeting one hundred
18 per centum of national power demand through renewable sources; build a
19 national, energy-efficient, "smart" grid; upgrade every residential and
20 industrial building for state-of-the-art energy efficiency, comfort and
21 safety; eliminate greenhouse gas emissions from manufacturing, agricul-
22 tural and other industries, including by investing in local-scale agri-
23 culture in communities across the country; repair and improve transpor-
24 tation and other infrastructure, and upgrade water infrastructure to
25 ensure universal access to clean water; fund massive investment in the
26 drawdown of greenhouse gases; and make "green" technology, industry,
27 expertise, products and services a major export of the United States,
28 with the aim of becoming the international leader in helping other coun-
29 tries become greenhouse gas neutral economies and bringing about a
30 global transition.

31 (h) Support efforts for an emergency mobilization to restore a safe
32 climate in other states and at the federal and global level.

33 § 2. Article 23 of the environmental conservation law is amended by
34 adding a new title 29 to read as follows:

35 TITLE 29

36 BAN ON NEW FOSSIL FUEL INFRASTRUCTURE

37 Section 23-2901. Ban on new fossil fuel infrastructure.

38 § 23-2901. Ban on new fossil fuel infrastructure.

39 1. Legislative intent. New York state faces an existential climate,
40 ecological, economic, and security emergency which threatens our munici-
41 palities, state, nation, and the world; a World War II-scale mobiliza-
42 tion is needed to eliminate greenhouse gas emissions. Human-caused
43 climate change and air pollution are due to using fossil fuels. Climate
44 change disproportionately impacts communities of color, children, elder-
45 ly, Native Americans, indigenous peoples, the ill, the poor, farmers,
46 and future generations. The state shall promote a controlled reduction
47 of fossil fuel utilization and a transition to clean, renewable energy
48 for the purpose of improving safety, public health, environmental
49 protection, economic growth, and energy reliability as well as providing
50 cost savings, creating jobs, and preventing climate catastrophe.

51 2. For the purposes of this section, "fossil fuel" shall mean coal,
52 petroleum products and fuel gases.

53 3. For the purposes of this section, "fossil fuel infrastructure"
54 shall mean a structure, such as a natural gas plant, coal power plant,
55 natural gas compressor station, or ancillary facilities used to move
56 fossil fuel from one location to another, such as a natural gas or oil

1 pipeline. The phrase does not include: motor vehicles; gas stations;
2 underground tanks or pipes located on the site of a motor vehicle
3 service station; retail, manufacturing or other facilities not primarily
4 used to produce or store fossil fuels; retail products; or pipes leading
5 to a residential or commercial building from a fuel tank to which fuel
6 is delivered by motor vehicle. Furthermore it includes:

7 a. large-scale uses and facilities engaged in the wholesale distrib-
8 ution, extraction, refinement or processing of fossil fuels;

9 b. terminals engaged in the bulk movement of fossil fuels, excluding
10 rail yards, fuel storage for airports and marine servicing facilities;

11 c. bulk storage of fossil fuels in excess of two million gallons and
12 fossil fuel facilities that do not provide direct sale or distribution
13 to consumers; and

14 d. any additional meaning of fossil fuel infrastructure for the
15 purposes of this section shall be determined by the commissioner in
16 accordance with the primary intent of this section.

17 e. This ban shall not apply to uses and facilities necessary to
18 address a bona fide imminent threat to public health, safety and
19 welfare. This ban shall also not apply to uses and facilities necessary
20 for public safety, including, but not limited to, police, fire and
21 rescue agencies.

22 4. A ban shall be established on any and all new fossil fuel infras-
23 tructure projects including as it relates to the distribution, process-
24 ing, storage, or extraction of fossil fuels. No new permits, licenses,
25 or any form of permission shall be granted for any new fossil fuel
26 infrastructure project nor shall any funding, investment, or any other
27 financial assistance be granted to any new fossil fuel infrastructure
28 project as long as there are economically and technologically feasible
29 alternatives to ensure energy reliability. This section shall not apply
30 to the repair or maintenance of existing infrastructure as of the effec-
31 tive date of this section. Such ban shall apply to the entirety of the
32 state including all departments, agencies, offices, municipalities, and
33 any other governmental body.

34 5. The ban shall be lifted upon an act of the legislature.

35 § 3. This act shall take effect immediately.